

# **San Luis Obispo County Grand Jury**

## **Agency Responses (partial)**

**2005 – 2006  
Grand Jury Final Report**

BOARD OF COMMISSIONERS

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March 29, 2006

Honorable Roger Picquet  
San Luis Obispo County Superior Court  
County Government Center  
San Luis Obispo, CA 93408

Re: 2005-06 Grand Jury Report  
County Harbors

Dear Judge Picquet:

This letter is written on behalf of the Port San Luis Harbor District in response to the February 24, 2006 County Grand Jury report titled "County Harbors" as required by California Penal Code § 933.05(c). We appreciate the opportunity to provide our written response to the Grand Jury's in-depth report, findings and recommendations. The Jury demonstrates their thoroughness in their review.

The Grand Jury report correctly recognizes that the relatively recent heightened regulation of the fishing industry has resulted in a severe reduction in the Port San Luis commercial fleet. This reduction has and will continue to dramatically change the character of Port San Luis. We still strive to accommodate what's left of the local fleet, but must do so in the context of changing use and economic patterns.

The Grand Jury Report demonstrates an understanding of the economic strain on the Harbor District as Avila Beach rebuilds its structure and image after the Unocal cleanup. As these rebuilding efforts continue to successfully draw the public to Avila Beach, there has been and will continue to be a significant increase in the use of and demand for public facilities in Avila Beach. Many of these facilities, including the beach itself, are owned or operated by the Harbor District. Obviously, the increased use and demand for those facilities will cause the Harbor District to experience an increased requirement for maintenance, repair and staffing. Because the Harbor District, along with other special districts, is always at risk of a State decision for revenue reduction, one of the primary challenges faced will be a consistent and dependable source of funding to meet the increased public demand. For this reason, we concur with the Grand Jury's findings and recommendations.

The Harbor District supports the concept of a revenue sharing agreement with the County regarding the "bed tax" (Transient Occupancy Tax) generated in Avila Beach. Since the clean up, several hotels have been opened, modernized or are under construction. We anticipate that those hotels will be extremely successful in large part because of the District's operation and maintenance of public facilities. The Harbor District spends hundreds of thousands of dollars a year operating and maintaining the public facilities that benefit Avila Beach. A portion of the property tax revenues allocated to the District are used to pay for these facilities; however, such revenues will be insufficient to meet the public's expectation for facilities. Sharing of the



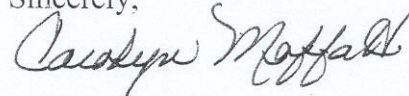
Transient Occupancy Tax is an equitable method to help the District meet the increased operation and maintenance costs and insure a continued benefit to the public. The Harbor District looks forward to working with the County in obtaining some of these new revenues from the hotel bed tax in Avila Beach.

Because of the recent boom in new building construction, including the in-fill of vacant lots, there is a reduction in permeable surfaces in Avila Beach. Coupled with a lack of flood control infrastructure in the area, there is and will continue to be a significant increase in community storm water runoff. The County's community Specific Plan, adopted a few years ago, called for the County to address flooding problems in low-lying areas of Avila Beach. Although some progress has been made in that area, much remains to be done. In furtherance of that purpose, the Harbor District has offered to dedicate the flood control channels in and around the Avila Beach public parking lot to the County. County Public Works has declined our offer except for one portion of a flood channel which runs parallel to First Street. That dedication was accepted by the County a few years ago. The County refused to take the whole flood channel system for reasons that are unclear to the Harbor District. We again in 2005 offered to dedicate the remaining flood channel systems to the County and were again turned down with no explanation. The offer remains open in an effort to assist the County in meeting its responsibility for flood control.

The Harbor District agrees with the Grand Jury that the County should undertake regular mosquito abatement in the Avila Beach drainage system. Also, the District, at a future regular Board meeting, will consider the fencing the drainage ditch as recommended by the Grand Jury.

In conclusion, the Harbor District agrees with the Grand Jury's discussions on the economic decline in the fisheries and the effects of the new construction and flooding issues in the Avila community. We will continue to engage in dialogue with the County on the recommendation of the Grand Jury in the hope of finding a solution to these issues. Thank you.

Sincerely,



Carolyn Moffatt  
President,  
Port San Luis Harbor Commission

CM: lp

cc: SLO County Board of Supervisors

March 9, 2006

**MEMORANDUM**

**TO:** David Edge, Administrator  
**FROM:** Glen L. Priddy, Deputy Director of Public Works - Engineering Services  
**VIA:** Noel King, Director of Public Works  
**SUBJECT:** Response to Interim Grand Jury Report on County Harbors

The interim Grand Jury Report on County Harbors requires response from the County Public Works Department on Findings 2, 3 and 4 and Recommendations 2, 3 and 4.

**Finding 2:**

**The drainage ditch at the parking lot represents a potential flooding hazard.**

***Response to Finding 2:***

*The Public Works Department is in partial disagreement with this finding.*

*The flooding and drainage situation in this portion of Avila is quite complex. However, the ditch is only a small part of a larger picture. While it is a fact that there is occasional standing water on the parking lot in Avila, portraying this situation as a "potential flooding hazard" implies a magnitude to the issue that is not supported by historical documentation.*

**Finding 3:**

**The drainage ditch presents a potential health hazard due to mosquito breeding.**

***Response to Finding 3:***

*The Public Works Department does not agree or disagree with this finding.*

*The Department has no knowledge of this issue and provides no services to the community that relate to health hazards due to mosquitoes.*



**Finding 4:**

**A safety problem also results from the ditch being uncovered and unprotected.**

***Response to Finding 4:***

*The Public Works Department does not agree or disagree with this finding.*

*The Department has no data relating to the accident history of this ditch or information on the design of circulation in the parking lot as it relates to the ditch, and none was presented in the Grand Jury report on this matter.*

**Recommendation 2:**

**Whereas the county benefits economically from the development of Avila and the future revenues generated thereby, and whereas the county has approved the plans and granted the permits for building and paving in Avila, and whereas the county flood control district is responsible for flood control in Avila, and whereas the county must share in the potential burden and liability for any damage resulting from flooding of the drainage ditch in its flood control district, the county should therefore assume responsibility for designing, providing, and maintaining a solution to the potential overflow and flooding problems at the drainage ditch.**

***Response to Recommendation 2:***

*This recommendation will not be implemented by the County Public Works Department.*

***Response to “Whereas” clauses:***

*The Public Works Department has no response relating to economic benefit or revenue generation.*

*The Department agrees that the County has approved plans and granted permits in Avila.*

*The County Flood Control District is not responsible for flood control in Avila.*

*The Public Works Department has no response to potential burden or liability for damage resulting from flooding.*

***Response to assumption of responsibility:***

## **History**

*The area of the parking lot in Avila has flooded for well over a century. In a natural condition, the location was an estuary and mud flat. Sometime over one hundred years ago, the railroad cut off the area from the sand spit with the construction of a trestle. As the town developed, the sand spit was protected with sea walls and the trestle was replaced with an embankment, but the elevation of the area in between was never raised very much. If this area was to be fully protected from flooding, its elevation should have been raised to match the sea walls that formed Front Street and the railroad embankment that dictated the elevation of Avila Beach Drive. This filling of land did not take place and the area was left in a hole. It has never been the responsibility of the County to dictate the elevation of private property.*

## **Drainage of Parking Lot Area**

*The drainage dynamics of this area includes three major components. These are: runoff from higher levels of the Town of Avila; flood flow from San Luis Creek; and tidal flow from the Pacific Ocean. The old railroad and, later, Avila Beach Drive embankments would block creek and tidal flow from reaching the area, except that the flow from the town must be allowed to drain to the creek. Before Avila Beach Drive was constructed, the area of the parking lot was directly susceptible to storm flow from the creek and tidal flow from the ocean. To drain the town and to minimize flooding, a culvert was installed when the road was built in the 1960's. The culvert is equipped with a valve that blocks the flow from the creek and the tide but allows flow to drain from the town. This valve improved the situation but, at times, has leaked or been blocked open by debris. A new type of valve was installed a few years ago in an attempt to minimize backflow through the valve. It needs to be understood that because this area is in a hole, during high creek flow or high tide events, there is no outlet for storm flows entering the parking lot area from the town.*

## **Agencies Providing Services**

*Avila Beach Drive, the culvert, the valve, as well as most of the other roads in the Town of Avila are all part of the County Maintained Road System which is administered by the County Public Works Department.*

*Water and sewer services for the Town of Avila are provided by the Avila Beach Community Services District (CSD). The CSD also provides sewage treatment for the Port San Luis Harbor District. Both the CSD and the Harbor District receive their water from the Lopez water project, which is administered by the County Public Works Department through the San Luis Obispo County Flood Control and Water Conservation District, Zone 3 and County Service Area 12. The CSD also receives water from the State Water Project through the Lopez project facilities.*

*The Harbor District operates the beach, the pier, and the parking lot. The County Department of General Services, Parks Division, operates and maintains the plaza and park on Front Street.*

## **San Luis Obispo County Flood Control and Water Conservation District**

*The assertion that “the county flood control district is responsible for flood control in Avila” implies that the County is responsible for fixing all flooding and drainage problems in the county, which is incorrect. The Flood Control District is a Special District that is governed by the County Board of Supervisors and administered by the County Public Works Department. The District has the power to provide various services including flood control, and water supply. It has been a long standing policy of the District, since the existing needs far exceed the existing resources, that solutions to local problems must be funded by local communities to the extent that the local communities desire to receive those special services. For the District to provide specific services to any defined area, a zone of benefit must be formed within the District, and voter approved taxes or service charges must be paid to fund the service. Each zone provides only the service for which it was formed.*

*In the Avila area, Flood Control Zone 3 provides the wholesale drinking water supply, and it is paid for by those property owners and agencies who benefit from that service. Flood Control Zone 9 provides flooding studies and limited channel maintenance of San Luis Obispo Creek within the City of San Luis Obispo, and those services are funded by a special tax dedicated for that purpose. There is no current Flood Control Zone that provides flood control or drainage services in the Town of Avila.*

### **Proposed Solution to Problem**

*There is a perceived flooding problem in the parking lot in Avila. The first step in addressing the problem is to determine the extent of the problem. As stated earlier, the area of the parking lot has always flooded during times of heavy rain. There is no data presented regarding the magnitude of damages that have occurred at this location over the years due to flooding. The new development in the area should have been designed to accommodate this known flooding problem. The effectiveness of these new designs is yet to be tested, so it is not yet known if there is truly a problem relating to the new development.*

*Since the parking area is in a hole and subject to three different flood sources, there is no way for a passive, gravity flow drainage system to provide total flood protection. The flooding of the parking lot could be helped by the installation of a flood water pumping system. These types of systems are very expensive to install and to operate. Before the implementation of any plan to install a pumping system proceeds very far, the benefit of keeping the lot dry should be compared to the cost of the system required to keep it dry.*

*There is no agency currently responsible for controlling flooding of the parking lot except the Harbor District, which owns it. Any agency that would implement a project to reduce flooding of the parking lot would have to basically do the same thing. That is, determine an area of benefit, create a benefit assessment zone, hold an election of the benefited properties, impose a service charge or tax, construct and operate the facilities. There are many agencies already providing services in the area that could go through these steps. These include the Harbor District, the Avila Community Services District, the County, and the Flood Control District. Since all these public agencies would ultimately have to gain*



*the support of the benefiting property owners, it is logical that the agency that already owns the parking lot, which would receive the most benefit from the process, should take the lead in solving the perceived problem. Also, experience has shown that voter approval is more likely to be attained by the agency closest to the voters with the problem because of the natural preference of the citizens for more local control.*

### **Recommendation 3**

**The county should undertake regular mosquito abatement at the drainage ditch, or other appropriate measures, to prevent mosquito larvae from developing.**

#### ***Response to Recommendation 3***

*This recommendation will not be implemented by the County Public Works Department.*

*The Department does not provide mosquito abatement services and has no program or authority to provide any services on privately owned property. The drainage ditch is located on property owned by the Harbor District. It is the responsibility of the property owner to maintain the facilities located on their property, including mitigating any health hazards that may exist.*

*This particular ditch was reconstructed during the project to rebuild the Town of Avila. Although the preexisting ditch had not been disturbed during the contamination clean up, the Coastal Commission dictated that the previous, easily cleaned concrete ditch be replaced with a gabion lined ditch which is very difficult to clean and promotes standing water. The Harbor District owned the ditch at that time, and did not formally protest or appeal the provisions of the Coastal Development Permit that contained this requirement. The Harbor District may wish to revisit the provisions of this permit and construct a ditch that is easier to maintain and less susceptible to standing water.*

### **Recommendation 4**

**The ditch should be fenced and access restricted for safety reasons.**

#### ***Response to Recommendation 4***

*This recommendation will not be implemented by the County Public Works Department.*

*The ditch is owned by the Harbor District and any maintenance or alteration of the facility should be done by that agency.*

File: CF 270.190.01 Dept/Grand Jury

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TO: The Honorable Rodger Piquet,  
California Superior Court, San Luis Obispo County

FROM: County of San Luis Obispo Board of Supervisors  
Katchik "Katcho" Achadjian, Chairman

DATE April 25, 2006

RE: 2005-2006 Grand Jury Report - County Harbors

Thank you for the opportunity to respond to the Grand Jury report on County Harbors. This memo is the County Board of Supervisors response to the report. The required response from the County Public Works is also attached to this memo.

Grand Jury Finding 1

*While major economic benefits of the beach, pier, and other District facilities accrue to the complex of new, luxury resorts and hotels at Avila Beach, and to the county treasury through bed taxes, the excess cost of operations must be borne by the residents of the District through their property taxes.*

Board of Supervisor's response to Finding 1

We disagree with this finding.

District facilities, the beach and the pier are only part of an area that also includes surrounding natural areas, a golf course, a County park, the Pacific Ocean and the town of Avila. All of these attractions contribute to making the area a desirable place to recreate and develop. The Grand Jury fails to provide supporting evidence that the district is a main economic engine for the area. While we disagree that there is a direct and quantifiable correlation between the development in Avila Beach and existence of the Harbor District and it's facilities, we agree that the presence of the Harbor District facilities add to the already considerable attraction of the coastal area of Avila Beach.

The Grand Jury report also fails to recognize that as the area grows the County is responsible for funding increased road maintenance, parks, law enforcement, fire protection and emergency medical services that are provided for residents, business owners and visitors to the Avila area including those that use and work in Harbor District facilities.



The main sources of revenue for the County to expand these services come from local property tax revenue, transient occupancy taxes and other discretionary revenues. These discretionary revenue sources are used to provide the types of services described above on a countywide basis. The Board of Supervisors must take into consideration the needs of the entire unincorporated area and allocate limited discretionary dollars where it is needed the most.

Additionally, it should be noted the Harbor District, formed in 1954, receives a portion of the property tax. The FY 2005-2006 Budget for the Port San Luis Harbor District shows that the District receives approximately \$2 million dollars in property tax revenue. The District benefits financially from the increase in property values within their tax rate area. This increase in revenue will help the District maintain their current services. However, the Grand Jury report did not acknowledge that the District also derives revenue from the operation of leases and services that are provided either by the district or its contractors. These include: boat hoist services, boat storage, gear storage, dry dock, boat repair, RV and camp sites, fuel and ice services, mooring sales, mooring leases, mooring rentals, and water taxi services. The revenue derived from the above District leases and services also helps to fund the District and its operations. Moreover, these revenues are largely under the control of the District and have the potential to be adjusted by the District to meet its needs. A quick glance at the District's 2005-2006 budget shows that revenues from District operations total over 1 million dollars or over 34% of the total income available for District operations. The Grand Jury finding does not address this significant source of revenue to the district.

#### Grand Jury Finding 2

*The drainage ditch at the parking lot represents a potential flooding hazard.*

#### Board of Supervisor's response to Finding 2

The Board adopts the response prepared by the Public Works Department in their Board letter dated March 23, 2006 attached to this report.

#### Grand Jury Finding 3

*The drainage ditch at the parking lot represents a potential health hazard due mosquito breeding.*

#### Board of Supervisor's response to Finding 3

Based upon input from the Public Health Department's Division of Environmental Health, we agree that the ditch, like many other water sources throughout the County, may be an area where mosquito breeding could take place. All such areas could pose a potential health hazard. We further note there is nothing specifically unique to the drainage ditch that makes it a greater hazard than any of the other hundreds or perhaps thousands of bodies of water in the county where mosquitoes could breed.

Grand Jury Finding 4:

*A Safety Problem also exists from the ditch being uncovered and unprotected.*

Board of Supervisor's response to Finding 4

The Board adopts the response prepared by the Public Works Department in their Board letter dated March 23, 2006.

Grand Jury Recommendation 1

*A portion of the bed tax collected from the hotels and motels and resorts in Avila should be shared with the Harbor District for its operation and maintenance of the beaches and other facilities, which benefit these enterprises.*

Board of Supervisor's response to Grand Jury Recommendation 1

We disagree with this finding. The recommendation is not warranted and is unreasonable. It is not warranted since the District has the potential to increase funding through revenue sources that are under its control (see response to Finding Number 1). The recommendation is unreasonable in that it fails to recognize that transient occupancy tax revenue (referred to as the bed tax in the Grand Jury Report) is a general purpose used to help offset the cost of County services countywide. This would include fire protection, law enforcement, emergency medical services and road maintenance services provided to the Port San Luis Harbor District area.

In essence, the Grand Jury seems to be saying that since the Harbor District may contribute to drawing people to Avila Beach, the District should share in the transient occupancy tax. Imagine the effect upon local governments if this concept were extended to other governmental entities throughout the state. Would the State of California be entitled to ask for a share of local transient occupancy taxes due to the draw created by Hearst Castle and the local state parks? Since there are now hotels in Avila Beach that could draw more boaters to the area, should the County be entitled to ask for a share of the boat launch and mooring fees from the Harbor District? How does the Grand Jury draw a distinction between their recommendation and the two examples cited above? The information in the report did not address this issue.

In summary, the rationale behind the Grand Jury recommendation would appear to conflict with Section 7280 of the Revenue and Taxation Code, which provides that cities and counties may levy and collect a transient occupancy tax. The legislature established the existing law to be simple, clear and used throughout the state as the appropriate means for the allocation transient occupancy tax.

Grand Jury Recommendation 2

*Whereas the county benefits economically from the development of Avila and the future revenues generated thereby, and whereas the county has approved the plans and granted permits for building and paving in Avila and whereas the county flood control district is responsible for flood control in Avila, and whereas the county must share in*

*the potential burden and liability for any damage resulting from flooding of the drainage ditch in its flood control district, the County should therefore assume responsibility for designing, providing, and maintaining a solution to the potential overflow and flooding problems at the drainage ditch.*

Board of Supervisor's response to Grand Jury Recommendation 2

The Board adopts the response prepared by the Public Works Department in their memo dated March 23, 2006 and determines that the recommendation will not be implemented because it is not warranted. There is an existing process to develop zones of benefit as the means to handle local flood control issues. Public Works identifies that the Grand Jury is incorrect in identifying that the "the county flood control district is responsible for flood control in Avila." The Public Works Department clarifies the relationship and policies of the Flood Control District for issues involving local flood control projects. A more appropriate solution would be to form a zone of benefit to fund appropriate flood control measures for this area.

Grand Jury Recommendation 3

*The County should undertake regular mosquito abatement at the drainage ditch, or other appropriate measures, to prevent mosquito larvae from developing.*

Board of Supervisor's response to Grand Jury Recommendation 3

County Environmental Health, a division of the Public Health Department, provides mosquito abatement services. Environmental Health treated mosquito larvae in the drainage ditch with larvicide in 2004. They returned in 2005 identified that small native fish discovered in the ditch had prevented the development of larvae. With regard to the recommendation that the county should undertake regular mosquito abatement at the drainage ditch, Environmental Health notes that they will respond to any complaints about mosquitoes, if appropriate, they would use larvicide, without charge for the service. Because the drainage ditch discharges into the San Luis Creek, the Dept of Fish and Game prevents the use of mosquito fish as a control method.

A process is already in place to address mosquito abatement in the drainage ditch.

Grand Jury Recommendation 4

*The ditch should be fenced and access restricted for safety reasons.*

Board of Supervisor's response to Grand Jury Recommendation 4

The Board adopts the response prepared by the Public Works Department in their memo dated March 23, 2006 noting that this the responsibility of the Harbor District.



## ATTACHMENT 1

COUNTY SUPERINTENDENT

Julian D. Crocker



COUNTY BOARD OF EDUCATION

Gaye L. Galvan, Trustee Area #5

Paul Madonna, Trustee Area #2

Floyd Moffatt, Trustee Area #4

Larry Peterson, Trustee Area #3

Diane A. Ward, Trustee Area #1

August 4, 2006

Presiding Judge  
San Luis Obispo County Superior Court  
County Government Center  
San Luis Obispo, CA 94408

The San Luis Obispo County Board of Education is in receipt of the recent Report from the Grand Jury regarding Community Schools in San Luis Obispo County. You have asked that the Board respond to the Report by September 6, 2006.

The Board has reviewed the response to the Report as developed by the San Luis Obispo County Office of Education. The Board is in agreement with the response developed by the County Office of Education, and is comfortable with submitting that response also as the Board's reply to your request. Attached please find a copy of the response.

The Board also acknowledges the effort of the Grand Jury in reviewing this important educational function conducted by the County Office of Education. We appreciate the attention that you have given the needs of students in our county's Community Schools.

Please contact the County Superintendent of Schools at 782-7201 if you need additional information or have questions.

Sincerely,

Diane Ward, President  
SLO County Board of Education



**RESPONSE TO FINDINGS OF GRAND JURY REPORT**  
**REGARDING COMMUNITY SCHOOLS OPERATED BY**  
**THE SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION**  
**2005-06**

**FINDINGS:**

1. Students in Community Schools are high-risk youth and are less likely to be college bound.

This finding is indisputably accurate. Many students attending Community Schools were not successful in traditional academic settings because they did not find the curriculum relevant or accessible. For most, their immediate goal is to complete their high school education and enter the work force.

2. State academic requirements are the same for Community School students as for regular school district students.

California's Education Code stipulates a minimum of 180 credits, in designated subject areas, as high school graduation requirements. In addition, all students must pass the California High School Exit Exam in order to be awarded a high school diploma. In San Luis Obispo County, traditional high school programs require between 235 and 270 credits to graduate, while Community Schools, which offer fewer elective courses, require 200. Per California Education Code, this course of study has been approved by the governing board of the Community Schools. Further, Community Schools recently earned a full six-year accreditation from the Western Association of Schools and Colleges.

3. There is a strong need, and a severe lack of funding, for vocational training in Community Schools.

As noted above, the majority of students attending Community Schools intend to enter the work-force, either full-time or part-time, upon completion of their high school education. Community Schools support student vocational goals through the Work Experience Education program, through the WORK program, and through informal efforts to help students identify, apply for, and retain entry-level positions in service industries. Because Community Schools were initially designed as transitional truancy and drop-out intervention programs operated by county offices of education, however, Community Schools are not structured to receive funding that support career and



vocational education such as Regional Occupational Programs. Thus, Community Schools are limited in their ability to provide specific vocational training and education.

Further, most Community School students lack the pre-vocational skills necessary to begin a successful job search. The former Mountain View Community School, a collaborative effort between the county office of education and Probation to provide hands-on vocational training for Community School students, bore this out. Students entered the program unprepared to meet work-place expectations, and consequently experienced yet another failure. For Community School students to succeed in a vocational program, a two-tier approach is needed. Students need first to acquire the essential habits and skills requisite to all successful employees in any occupation or profession—e.g., punctuality, the ability to follow directions, the ability to get along with co-workers, the ability to work independently, etc.—before they can benefit from specific job-skill training. The WORK program has proven to be a highly successful pilot effort at meeting this need; but funding for this program is minimal and is only guaranteed for one more year.

4. Past communication and collaboration between various agencies in dealing with the Community School population and the need for vocational training was lacking. The roundtable approach to this inquiry has opened new lines of communication and cooperation between various agencies, which can benefit the students in the Community School program.

Community Schools have always had an excellent working relationship with Probation and Family Care Network. These partnerships help to provide the non-academic support high-risk youth require for success. These partnerships have also helped to fund and support previous efforts to provide vocational education for Community School students. Beginning in Fall 2006, Community Schools will partner with Mental Health on a grant which will fund a Mental Health therapist to serve Community School students.

The COE also partners with the local business community. Superintendent Julian Crocker is a member of the Workforce Investment Board, while Assistant Superintendent Jeanne Dukes serves on the subsidiary Youth Council. Innovative means of providing vocational training and services to Community School youth have been actively explored through these venues; but, unfortunately, federal income criteria has proven too restrictive to allow access to most Community School students.

In the past, Community Schools have explored the option of ROP programs, which would seem to fill the need for more vocational training as identified by the Grand Jury. The problem has been that 1) slots in ROP programs are allocated to local districts, but not to COE programs, 2) eligibility for ROP courses is predicated on the ability of students to complete a year-long course, which is a significant barrier for the transient population served by Community Schools, and 3) California Education Code's prohibition of expelled students—a significant portion of Community Schools

population—from participating in programs offered on district campuses. Recently, however, it has come to the attention of state agencies that ROP's are not affiliated with COE's and do not offer courses to Community School students. Efforts are being made to increase enrollment caps and ease restrictions in order to include this high-risk population. Community School Principal David Bender will be working with county ROP coordinator Jim Souza to develop a pilot program for Community School students. Community Schools and their partner agencies will continue to dialogue and lobby at the state level.

5. There is a need for adult mentors to help in introducing WORK program students to job experiences.

Community outreach is critical for the success of the WORK program. Sharon Gaines, WORK program teacher, and Mia Spear, Job Placement Specialist, have done an outstanding job of identifying and recruiting local employers; but they need assistance in monitoring and supporting students outside the school setting. In this regard, Judge Teresa Estrada-Mullaney has been instrumental in advocating for mentors for Community School students. Arrangements have also been made with CASA to provide mentors for adjudicated youth. Community Schools will continue to work with the Court and CASA, as well as other community-based volunteer agencies, to seek suitable mentors for our high-risk youth.

## **RECOMMENDATIONS:**

1. The WORK program should be continued and expanded to the next level (specific job skill exposure and training).

Since the Grand Jury report was issued, the Job Shadowing component of the WORK program has been implemented. Employers have included a range of professional and skilled occupations, as requested by students. Nearly all students have participated in the Job Shadowing program to date, with very positive feedback. We expect, with Probation collaboration and support, to continue and expand the Job Shadowing component of the WORK program in 2006-2007.

The WORK program has been re-funded for 2006-2007. Outreach efforts to all Community School sites have resulted in 15 students tentatively signed up to begin the program in the Fall.

2. The WORK program should be expanded to the north and south county Community School campuses when funds become available.

Work Experience Education (WEE), an incentive program through students with part-time jobs are able to earn academic credits for work experience, has been in place

throughout Community Schools for a number of years. In addition, plans are currently in place to expand components of the WORK program to Mesa View Community School and Chalk Mountain Community School in the form of an elective curriculum which focuses on work-readiness skills. We will continue to search for funding that would allow us to dedicate classroom space and a teacher/job placement specialist team in each location, but no immediate prospects appear on the horizon.

3. COE and Probation should communicate frequently and keep each other informed of problems, progress, and needs of the Community Schools WORK program. Roundtable discussions involving the needs and developments in the Community Schools vocational training efforts should continue on a regular basis.

COE and Probation have met quarterly with PIC to discuss progress, challenges, and needs of the Community Schools WORK program. In addition to these ongoing scheduled meetings, COE staff have frequent informal conversations with their partners in the WORK program about processes and procedures as well as individual student situations. Outside of the WORK program, administration from both Probation and COE meet quarterly to monitor and problem-solve Community School program and staffing issues (e.g., attendance, student discipline, safety, staff roles and responsibilities).

4. COE should create a team with PIC to approach private industry to generate additional funding for continuation and expansion of the WORK program. Funding and alternative methods of support for the program can include job shadowing, OJT (On the Job Training), and dedicated financial sponsorship for groups of students.

COE and PIC are currently in the exploratory stages of identifying possible additional sources of funding and alternative means of expanding the WORK program. PIC administration and management staff, together with COE Alternative Education and WORK program coordinator, recently completed a favorable audit of the program, finding no notable exceptions. As a result of this audit, coupled with a favorable Grand Jury report, funding for the WORK program has been extended for 2006-2007. COE is engaged in ongoing discussions with PIC about how to increase the number of WORK-eligible students, given federal income restrictions.

6. COE, Probation, and ROP professionals should work together to develop an approach to the state legislature to propose a pilot program in San Luis Obispo County. The pilot program should be designed to increase the availability of Career Technical Education for Community School students.

A meeting among COE, Probation, and county ROP professionals is currently in the planning stages. The Grand Jury report has raised awareness of the need for increased vocational education opportunities for Community School students, and county ROP

coordinator Jim Souza has expressed his desire to work with COE to develop a pilot program for Community School students.

8. This final recommendation requires some imaginative and very creative thinking on the part of COE, but no additional funding. COE should utilize their own existing facilities to create "job training" at Community School sites.

Community Schools have offered a number of "hands-on" elective courses to students in such areas as technology, landscaping, construction skills, food preparation and presentation, and office practices. In addition, Community School staff continually seek vocationally-oriented field trip opportunities for students, including visits to child care and elder care facilities, animal shelters, and other local businesses. Other opportunities to be explored include job shadowing/training within COE, to include nurses, IT specialists, and maintenance workers. Community School students are also actively encouraged to participate in Cuesta College Bridge and vocational education classes, including welding and automotive repair. Additionally, Cuesta College is in the process of submitting a grant, in collaboration with COE, to provide expanded vocational education training. If approved, specific slots will be reserved for COE alternative education students, to include both Community School and Grizzly Challenge Youth Academy.

*Admin  
V. Morici*

**BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, July 18, 2006

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall, James R. Patterson, and  
Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

In the matter of Consent Agenda:

Consent Agenda Items B-38 and B-39 are added to the Consent Agenda.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and on the following roll call  
vote:

AYES: Supervisors Ovitt, Lenthall, Bianchi, Patterson, Chairperson Achadjian

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-39 are approved as recommended by the County Administrative  
Officer and as amended by this Board.

Consent Agenda Items B-1 through B-39, as amended, are on file in the Office of the County Clerk-Recorder and  
are available for public inspection.

File  
7/18/2006 cmc

STATE OF CALIFORNIA )  
                                  ) ss.  
County of San Luis Obispo )

I, **JULIE L. RODEWALD**, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the  
County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy  
of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 18th day of July, 2006.

(SEAL)

**JULIE L. RODEWALD**  
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: *Sandy Curren*  
Deputy Clerk

5 B-1 thru B-39  
07/18/2006  
B-7

CONSENT AGENDA – REVIEW AND APPROVAL

The routine items listed on the consent portion of the agenda are scheduled for consideration as a group. Recommendations are shown for each item. Any Supervisor may request any item be withdrawn from the Consent Agenda to permit discussion or change the recommendation course of action.

**I. CONSENT AGENDA**

Unless an item is pulled for separate action by the Board, the following recommendations are approved without discussion.

Items set for bid opening and hearing:

- B-1 Submittal of a resolution of intention to vacate a portion of Vineyard Drive, County Road No. 5156 near the Town of Templeton; 1<sup>st</sup> District. (RECOMMEND APPROVAL AND INSTRUCT CLERK TO GIVE NOTICE OF HEARING DATE SET FOR AUGUST 15, 2006 AT 9:00 A.M.)
- B-2 Letter transmitting plans and specifications (Clerk's File) for the expansion of the Juvenile Services Center at the County Operational Center; 3rd District. (RECOMMEND APPROVAL AND INSTRUCT CLERK TO GIVE NOTICE OF BID OPENING SET FOR AUGUST 17, 2006 AT 3:00 P.M.)

Administrative Office Items:

- B-3 Request to approve an amended contract with Carl Warren & Co. (Clerk's File) extending the contract for liability program administration services. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)
- B-4 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on the Area Advisory Council Resolution. (RECOMMEND APPROVAL.)
- B-5 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on the future of foster children. (RECOMMEND APPROVAL.)
- B-6 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on bicycle riding in the county. (RECOMMEND APPROVAL.)
- ✓ B-7 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on community schools. (RECOMMEND APPROVAL.)

Auditor-Controller Items:

- B-8 Submittal of an audit report on the District Attorney's Worker's Compensation Insurance Fraud Program Grant for the period July 1, 2004 through June 30, 2005. (RECOMMEND ITEM BE RECEIVED AND FILED.)
- B-9 Submittal of an audit report on the District Attorney's Worker's Spousal Abuser Prosecution Program Grant for the period July 1, 2004 through June 30, 2005. (RECOMMEND ITEM BE RECEIVED AND FILED.)

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administration		(2) MEETING DATE July 18, 2006		(3) CONTACT/PHONE Vincent Morici, Administrative Analyst (805) 781-5020	
(4) SUBJECT Request to approve recommended responses to findings and recommendations contained in the Grand Jury report on Community Schools, and to forward the responses to the Presiding Judge of the Superior Court.					
(5) SUMMARY OF REQUEST The Grand Jury has prepared a report addressing several issues associated with Community Schools in San Luis Obispo. The report directs that the Board of Supervisors respond to five of the six findings and four of the eight recommendations in the report. The Grand Jury also requires that the County Probation Department to respond to the same findings and recommendations. This item includes the departmental response that is recommended to be the response from the Board of Supervisors to the findings and recommendations. Upon approval, the responses will be forwarded to the Presiding Judge.					
(6) RECOMMENDED ACTION It is recommended that your Board approve the attached responses and forward these responses to the Presiding Judge of the Superior Court.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): The Probation Department was contacted as part of the evaluation of the response to this report.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board <input checked="" type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A    Date _____
(23) ADMINISTRATIVE OFFICE REVIEW   					

7-18-06  
B-7



# County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



**DAVID EDGE**  
COUNTY ADMINISTRATOR

**TO:** Board of Supervisors

**FROM:** Vince Morici, Administrative Analyst

**DATE:** July 18, 2006

**SUBJECT:** Response to the 2005-2006 Grand Jury Interim Report on Community Schools

## **RECOMMENDATION**

Staff recommends that the Board of Supervisors adopt the attached response from the Probation Department as the Board of Supervisors' response to the 2005-2006 Grand Jury report on Community Schools

## **DISCUSSION**

The Grand Jury issued an interim report that addresses issues associated with Community Schools. The Grand Jury has required that the Probation Department and the Board of Supervisors respond to specific findings and recommendations contained in the report.

Staff has evaluated the Grand Jury report and the response prepared by the Probation Department. The responses by Probation provide an adequate response to the Grand Jury. We recommend that your Board adopt the response from the Probation Department as the Board of Supervisor's response to the Grand Jury findings 1 through 5 and Grand Jury recommendations 3, 5, 6 and 7. The recommendations of the Grand Jury primarily relate to Probation Department operations. As such, Probation has responded within the context of their operational capacity and their collaborative efforts with partners who are primarily responsible for the operation of community schools. It is important to note that Community Schools operate under the County Office of Education. Probation is a partner in this system through the enforcement of truancy and case management of those students who are on Probation.

The Probation Department response to the Grand Jury Report is shown as Attachment 1. It is recommended that this be adopted as the Board's response to the Grand Jury Report.

## **OTHER AGENCY INVOLVEMENT**

The Probation Department was contacted as part of the evaluation of the response to this report.

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### **FINANCIAL CONSIDERATIONS**

No significant expenses are anticipated by adopting the responses by the Probation Department.

### **RESULTS**

Adoption of the findings and recommendations will fulfill the County's obligation to respond to Grand Jury reports as specified in Section 933 of the Penal Code

Attachment 1: Probation Department response

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COUNTY OF SAN LUIS OBISPO  
**PROBATION DEPARTMENT**

County Government Center Room 400, San Luis Obispo, CA 93408

(805) 781-5300 FAX: (805) 781-1231

*Kim Barrett, Chief Probation Officer*

*Myron Nalepa, Assistant Chief Probation Officer*

To: **VINCE MORICI, ADMINISTRATIVE ANALYST**

From: **KIM BARRETT, PROBATION**

Date: **JUNE 19, 2006**

Subject: **RESPONSE TO GRAND JURY REPORT ON COMMUNITY SCHOOLS**

Attached are the requested responses to **FINDINGS – 1 THROUGH 5 AND RECOMMENDATIONS #3, 5, 6 & 7.**

**FINDINGS:**

1. Students in Community Schools are high-risk youth and less likely to be college bound.  
**RESPONSE: We agree with the finding.**

2. State academic requirements are the same for Community School students as for regular school district students.  
**RESPONSE: We agree with the finding.**

3. There is a strong need, and a severe lack of funding, for vocational training in Community Schools.  
**RESPONSE: We agree with the finding.**

4. Past communication and collaboration between various agencies in dealing with the Community School population and the need for vocational training was lacking. The roundtable approach to this inquiry has opened new lines of communication and cooperation between various agencies, which can benefit the students in the Community School program.

**RESPONSE: Partially disagree with the finding.**

**Disagree with the finding that past communication and collaboration between various agencies in dealing with the Community School population and the need for vocational training was lacking. The Probation Department and Community Schools have communicated regarding the need for vocational training for community school youth over the years. We collaborated in the opening of Mountain View Community School in the late 1990's, which was a vocational Community School, housed at Camp San Luis. After evaluating the outcomes of this school we determined that the youth were actually worse in terms of completing their education, and staying out of trouble. Since this program was funded with Juvenile Justice Crime Prevention Act funds, and was contingent on positive outcomes, the County Office of Education and**

B-74

the Probation Department jointly decided to close the school last year. The County Office of Education, and the Private Industry Council got together and developed the WORK program earlier this year after receiving a grant.

The Grand Jury did bring forward additional ideas, such as bringing in ROP services, and the idea of utilizing General Service's employees as mentors and work sites. This did bring new people to the table, with new ideas to assist our youth at Community Schools. We appreciate the Grand Jury's interest in our county's Community School youth and their special needs. As they said, not all youth are college bound and we, the community, must assist those youth who are not.

5. There is a need for adult mentors to help in introducing WORK program students to job experiences.

**RESPONSE:** We agree with the finding. It should be noted due to the leadership of Juvenile Court Judge Teresa Estrada Mullaney; over 50 names of professionals from the community were shared as agreeing to be mentors. These are people who live and work in the community and are willing to have youth shadow them in their job. The Probation Department collaborated with CASA (Court Appointed Special Advocates) to implement this job-shadowing program, which is now part of the WORK program. However, these youth will always need mentors. A mentoring program takes staff to screen, orient, and match the mentor to youth, as well as recruit additional mentors. At this time, we do not have the staff available to perform this task.

#### **RECOMMENDATIONS:**

- #3. COE and Probation should communicate frequently and keep each other informed of problems, progress and needs of the Community Schools WORK program. Roundtable discussions involving the needs and developments in the Community Schools vocational training efforts should continue on a regular basis.

**RESPONSE:** THIS HAS NOT BEEN IMPLEMENTED. The Probation Department and the County Office of Education continue to work together on the WORK program and will begin roundtable discussions in our efforts to develop further vocational training beginning in August of 2006.

- #5. Probation Department should remain involved in efforts to continue and expand the WORK program and should cooperate with COE where and when possible.

**RESPONSE:** THIS HAS BEEN IMPLEMENTED as we continue to discuss expansion efforts of the WORK program and continue to cooperate with the County Office of Education where and when possible.

- #6. COE, Probation, and ROP professionals should work together to develop an approach to the state legislature to propose a pilot program in San Luis Obispo County. The pilot program should be designed to increase the availability of Career Technical Education for Community School students. (Findings 3 & 4)

**RESPONSE:** THIS HAS NOT BEEN IMPLEMENTED. The Probation Department will work with the County Office of Education and the State Legislature in proposing a pilot program for San Luis Obispo County beginning with meetings with our local legislators in September.

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- #7. The Probation Department should work with the General Services Department to identify and match students with job opportunities in the General Services Department and provide assistance in placing those students. (Findings 5 & 6)

**RESPONSE: THIS HAS BEEN IMPLEMENTED.** The Probation Department has contacted General Services and is working with staff to place youth in part-time jobs with County General Services on a case-by-case basis.

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June 21, 2006

**President**

Lisa Schicker

**Vice-President**

John Fouche

**Director**

Chuck Cesena

Steve Senet

Julie Tacker

Hedy Damery, Foreperson

San Luis Obispo Grand Jury

P.O. Box 4910

San Luis Obispo, CA 93493

Response to Los Osos Community Services District Investigation

Ladies and Gentlemen:

**Interim General Manager**

Daniel M. Bleskey

**Utilities Manager**

George J. Milanés

**Fire Chief**

Matt Jenkins

The Los Osos Community Services District (the "CSD") responds as follows to the findings and recommendations set forth in your report entitled "Los Osos Community Services District" issued May 13, 2006:

**FINDINGS**

The Grand Jury found that public funds were used to reimburse the citizen groups who had retained legal counsel to pursue extensive litigation against the CSD during 2005. The Grand Jury acknowledged that this reimbursement to the citizen groups for settlement of five outstanding lawsuits was effected pursuant to a settlement agreement negotiated and executed by the CSD. The Grand Jury is concerned that the CSD did not present itemized billings reflecting the specific tasks that had been performed by the law firm for the citizen groups, although the report acknowledges that the attorneys for those groups did voluntarily provide redacted billings showing the dates, time and case matters that were handled.



Offices At:

2122 9th Street

Los Osos, California 93402

Mailing Address:

P.O. Box 6064

Los Osos, California 93412

Phone 805/528-9370

Fax 805/528-9377

www.losososcsl.org

Negotiations between the CSD and the citizen groups regarding settlement of the legal actions resulted in the settlement of all five actions, including a pre-election challenge to an initiative petition that was thrown out by the court of appeal, thereby permitting the initiative to be placed on the ballot. That lawsuit alone, posed a risk to the CSD of a judgment for attorneys fees in the

range of \$450,000. The CSD was able to settle all pending lawsuits for only a small amount more.

The CSD was entitled to rely on the redacted billings as evidence of the work that had been done with regard to the five lawsuits at issue, and to rely on the advice of its interim general counsel with regard to the reasonableness of the settlement amount agreed upon. The Grand Jury did not comment upon or criticize in any way the terms of the settlement agreements, which included payment over time without interest to the benefit of the CSD.

It should be noted that the CSD did not retain or have an attorney-client relationship with the law firm that represented the citizen groups while the now-settled litigation was pending. The CSD retained that law firm only after settlement of the litigation.

### **RECOMMENDATIONS**

The Grand Jury has recommended that the CSD waive the attorney-client privilege in order to make the itemized billings available to the public in order to clarify whether and to what extent public funds may have been used to reimburse the citizen groups for work performed in connection with the recall election and drafting of the Measure B initiative.

As noted above, the CSD did not retain or have an attorney-client relationship with the law firm that represented the citizen groups while the now-settled litigation was pending. Accordingly, the CSD cannot waive the attorney-client privilege as to billings submitted to the private party plaintiffs during the litigation because it does not hold the attorney-client privilege as to those documents, nor does it have unredacted copies of those documents. The recommendation of the Grand Jury in this regard cannot therefore be accommodated and the further recommendation relating to actions following waiver of the attorney-client privilege cannot be implemented.

The Grand Jury was given extensive information, materials and documents to review all of which demonstrated that the billings for the settled litigation that were sent to the citizens groups were prepared on a monthly basis during the pendency of those suits showing cumulative fees and costs incurred. The billing entries were set forth by each litigation matter and were detailed as to the attorney who performed the work and the time and date that the work was performed. In addition, all information with regard to costs incurred in addition to legal fees was set forth in unredacted form



in the documents that were presented voluntarily to the Grand Jury by the law firm that represented the private citizen groups involved in this matter.

One of the documents presented to the Grand Jury further specifically itemizes the work done with regard to Measure B prior to the initiation of legal action by the CSD. The detailed chart from that document is attached. In that document the non-litigation related fees are identified and noted as having been written off by the law firm. Those fees amount to approximately \$50,000. The segregation of those fees from the lawsuits in the records presented to the Grand Jury should be strong evidence that there was no attempt by the law firm or the citizen groups to recoup fees that were unrelated to the actual litigation that was the subject of the settlement agreements. We note no facts or evidence in the Report to support the implication made by the Grand Jury in this regard.

Finally, a public entity has the authority to compromise and settle any pending litigation based on factors other than the actual fees incurred by plaintiffs. In this case, five lawsuits were settled for an amount roughly equal to the amount that was likely to be obtained in a fee judgment on the pre-election initiative challenge alone. It could be argued by the law firm that in fact, four of these cases were settled at virtually no cost to the CSD.

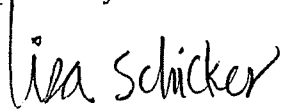
It should also be noted that there can be many analytical structures used to determine settlement amounts for litigation such as this. The cost of continuing to defend against a lawsuit is certainly one basis for settlement. The burden on public resources and time, and the likelihood of success or failure on the merits of the case all factor into settlement agreements as well. In this case, the CSD had lost the pre-election challenge case and was running the risk of losing one or more of the other still pending matters.

The Board was faced with a situation where the lawyers for the citizens groups could have obtained a multiplier based upon a much higher base rate than was offered in the settlement negotiations on all five lawsuits. Our interim general counsel advised us that the proposed settlement amount was sound, that it reflected a reduced public rate that the law firm did not have to offer, and that it avoided the risk of a multiplier which, if applied to even just the pre-election challenge case, could easily have resulted in an award of \$450,000 or more. We chose to avoid those risks and resolve the disputes.

It is certainly true that public funds were used to settle these lawsuits. The Board of the CSD carefully considered its actions at the time. It weighed and measured the

risks and values involved in going forward to defend policies rejected by the electorate and determined that it was imperative that these lawsuits end to honor the mandate of the people. The Board strongly believes that use of public funds in this manner under the circumstances at the time was the right, just and appropriate step to take.

Respectfully submitted,

A handwritten signature in black ink that reads "Lisa Schicker". The signature is written in a cursive, flowing style.

Lisa Schicker, President  
Los Osos Community Services District

Copy: LOCSD Board of Directors  
District Special Counsel, Julie Biggs  
Interim General Manager, Daniel M. Bleskey

## What Did It Cost Per Case?



- Here is the breakdown of costs Here is the breakdown of costs for the lawsuits that have been settled:

<b>Measure B</b>	<b>- Actual Cost</b>	<b>Settlement Amount</b>
○	<b>\$144,500</b>	<b>\$125,000</b>
<b>4/5ths Vote</b>	<b>- Actual Cost</b>	<b>Settlement Amount</b>
○	<b>\$214,500</b>	<b>\$193,500</b>
<b>CEQA</b>	<b>- Actual Cost</b>	<b>Settlement Amount</b>
○	<b>\$ 84,200</b>	<b>\$ 79,200</b>
<b>Public Waste</b>	<b>- Actual Cost</b>	<b>Settlement Amount</b>
○	<b>\$ 48,500</b>	<b>\$ 43,000</b>
<b>Dumping</b>	<b>- Actual Cost</b>	<b>Settlement Amount</b>
○	<b>\$ 48,500</b>	<b>\$ 48,000</b>
<b>Totals</b>	<b>\$540,200</b>	<b>\$488,700</b>
<b>Unreimbursed Fees</b>	<b>\$51,500</b>	

TO: The Honorable Rodger Piquet,  
California Superior Court, San Luis Obispo County

FROM: County of San Luis Obispo Board of Supervisors  
Katchik "Katcho" Achadjian, Chairman

DATE May 2, 2006

RE: 2005-2006 Grand Jury Report - Pesticide Use at the Agricultural/Urban Interface

Thank you for the opportunity to respond to the Grand Jury report related to Pesticide Use at the Agricultural/Urban Interface. This memo is the County Board of Supervisors response to the report. The required response from the County Planning Department, County Department of Public Health and the County Agricultural Commissioner is also attached to this memo.

**Grand Jury Finding 1**

*California grows more than 85% of the nation's strawberries and other methyl-bromide dependent crops. San Luis Obispo County growers planted 800 acres of strawberries in 2004. In 2005, 18 restricted materials permits were issued for the use of methyl bromide. Besides its toxicity, methyl bromide is a significant contributor to the ozone depletion in the atmosphere. The use of this pesticide continues despite the fact that the U.S. has signed the Montreal Protocol treaty, which promised to ban the use of methyl bromide by 2005. Efforts are still in progress on both the federal and the state levels.*

**Board of Supervisor's Response to Finding 1**

The Board of Supervisors agrees with the finding. However, the Board provides a clarification regarding the finding related to the Montreal Protocol treaty. The finding incorrectly implies that the United States continues to use methyl bromide in violation of the Montreal Protocol. In simple terms, the Montreal Protocol is an international treaty that deals with the substances that cause the depletion of the atmospheric ozone layer referred to as Ozone Depleting Substances (ODS). The United States ratified the treaty in 1988.

The Montreal Protocol included the phased reduction, with the intent to eventually eliminate the use chemicals that cause the depletion of the ozone layer. Methyl bromide, a chemical used in agricultural production and as a fumigant for international product shipments was identified as an ODS. The Montreal Protocol initially established a 2010 date for the complete phase out of

methyl bromide. This time frame was later moved up to 2005 as the date when developed countries should cease use of methyl bromide.

Updates to the Montreal Protocol have occurred since it became operational in 1989. The current standards for the treaty allow for exceptions to the ban for critical uses. The exceptions (known as Critical Use Exemptions or CUEs) may be submitted by nations that are signatories to this international treaty. The United States is one of over a dozen nations that have requested and been granted exemptions.

Requested Critical Uses Exemptions are allowed when the users currently have no safe, effective and economically viable alternatives to methyl bromide use for crops and post-harvest uses. Within the United States, exemptions are first submitted to and reviewed by the U. S. Environmental Protection Agency (EPA). The EPA analyzes the requests using teams of biologists, economists and other experts who evaluate whether or not there is a critical need for methyl bromide, based on the criteria agreed to by the Parties of the Montreal Protocol. The EPA sends the nomination of critical use exemptions to the Ozone Secretariat of the United Nations. The Ozone Secretariat forwards the nomination package to the Methyl Bromide Technical Options Committee (MBTOC), an advisory group that provides technical expertise related to methyl bromide on behalf of the member nations. MBTOC reviews the nomination requests and makes recommendations to that are reviewed and decided by consensus at meetings of the parties that are signatory to the Montreal Protocol.

#### *Grand Jury Finding 2*

*Growers are subject to obtaining use permit, being inspected and fined for violations ranging from fifty to many thousands of dollars depending on the nature of the noncompliance.*

#### Board of Supervisor's Response to Finding 2

The Board agrees with this finding.

#### *Grand Jury Finding 3*

*All schools are considered "sensitive sites". School safety issues that have been addressed include parental information regarding spraying schedules, the creation of buffer zones around schools and childcare centers and mandatory conditions on restricted pesticide application when children are present.*

#### Board of Supervisor's Response to Finding 3

The Board agrees with this finding.

#### *Grand Jury Finding 4*

*The CAC and Public Health Department have coordinated efforts to update their database of childcare facilities in order to prevent pesticide exposure to this most vulnerable population.*

#### Board of Supervisor's Response to Finding 4

The Board of Supervisors agrees with this finding.

#### **Grand Jury Finding 5**

*The Environmental Resource Section (land use) of CAC's office is periodically requested by the Planning Department to provide input regarding a suitable location for a new school. This information, which takes into consideration the proximity to existing commercial agriculture, is often disregarded. New schools continue to be placed near large agricultural venues.*

#### **Board of Supervisor's Response to Finding 5**

The Board of Supervisors partially disagrees with this finding. We agree that the Environmental Resource Section of the Agricultural Commissioner's Office is periodically requested to provide input regarding land use permits involving the development of schools and school sites. We disagree that the information about the proximity of commercial agriculture is disregarded. The Grand Jury states that the information from the Environmental Resources Section is "often disregarded" but provides no support for the statement. As such, the statement appears to be more opinion, than a finding.

The Board considers all of the information presented in land use permits hearings and meetings before making decisions. School districts are generally the entity that selects and recommends the location for school sites.

#### **Grand Jury Finding 6**

*The Task Force on Health and Pesticide Use recommended that they meet every three years.*

#### **Board of Supervisor's Response to Finding 6**

The Board agrees with this finding.

### **Recommendations**

#### **Grand Jury Recommendation 1**

*The Grand Jury strongly recommends that less toxic materials be used to replace methyl bromide and that the Board of Supervisors actively support the Montreal Protocol. (Finding #1)*

#### **Board of Supervisor's Response to Recommendation 1**

The Board of Supervisors will not implement this recommendation. The Board is in general agreement that use of less toxic materials is desirable. However, the Board also notes that the State of California has passed laws and regulations that govern the use of pesticides, including methyl bromide. California's laws governing pesticide use are some the nation's most stringent.

The nations that are signatory to the Montreal Protocol have developed processes to implement this treaty. The Board acknowledges that the signatories to the Montreal Protocol have considered and approved the temporary and limited continued use of methyl bromide under the existing critical use guidelines of the Montreal Protocol. We acknowledge that under the treaty, member nations can work together to develop and determine the strategies, appropriate time frames and processes to implement the concepts of the treaty.

The Board appreciates and is sensitive to the concerns expressed by the Grand Jury and members of the community. However, we also recognize that San Luis Obispo is an agricultural area, and modern agriculture production uses pesticides, fertilizers and other substances that help increase the productivity of our farm lands. We recognize that the Agricultural Commissioner has the authority to evaluate applications to apply regulated substances as part of the effort to assure the appropriate laws and regulations are followed. The laws and regulations are oriented to promoting the safety of the people who use these substances in agricultural production, as well as those who and live in and around agricultural areas.

#### **Grand Jury Recommendation 2**

*Fines imposed on growers should be reviewed and made stringent enough to deter infractions of all regulations. (Finding #2)*

#### **Board of Supervisor's Response to Recommendation 2**

The Board adopts the response by the response by the Agricultural Commissioner in his memo dated April 3, 2006 as the Board of Supervisors Response.

#### **Grand Jury Recommendation 3**

Restricted pesticides should be prohibited on school grounds. School officials should adhere to the principles outlined in the Healthy Schools Act of 2000 (AB 2260 and AB 1006) until the long-range effects of pesticides on children's growth patterns can be documented. Buffer zones around schools should be broadened beyond those specified on the manufacturer's label. (Finding #3)

#### **Board of Supervisor's Response to Recommendation 3**

The Board adopts the response by the response by the Agricultural Commissioner in his memo dated April 3, 2006 as the Board of Supervisors Response.

#### **Grand Jury Recommendation 4**

The annual updating of childcare locations is an important part of protecting children. Mandatory annual updating should be the responsibility of the office of the CAC. (Finding #4)

#### **Board of Supervisor's Response to Recommendation 4**

The Board adopts the response by the response by the Agricultural Commissioner in his memo dated April 3, 2006 as the Board of Supervisors Response. The Board further



encourages the Public Health Department and the County Agricultural Commission to work together to provide regular updates of childcare and school site locations.

**Grand Jury Recommendation 5**

Recommendations from Environmental Resource Section should be an essential part of any new school project's planning. (Finding #5)

**Board of Supervisor's Response to Recommendation 5**

This recommendation has already been implemented. New school sites are proposed by school district officials and undergo a full land use review. The review includes input from the Agricultural Commissioner's Environmental Resource Section, review for compliance with the California Environmental Quality Act and other laws and regulations that govern development. Decisions by school district officials and the Board consider all information relevant to the requested use and are not solely based upon the recommendations of the Agricultural Commissioner's Environmental Resource Section.

**Grand Jury Recommendation 6**

The Grand Jury recommends that the Task Force on Health and Pesticide Use meet annually for the purpose of review and recommendations. (Finding #6)

**Board of Supervisor's Response to Recommendation 6**

The Board will not implement this recommendation. The Task Force on Health and Pesticide Use has determined to meet on a three-year basis. The Board of Supervisors respects the decision of the Task Force and acknowledges the following recommendation of the Health Commission made at their April 10, 2006 meeting. "The Pesticide Task Force is comprised of members from agricultural, health, and environmental fields as well as interested citizens and Health Commissioners. In order to perform an in depth review, and maintain participation, the Health Commission Pesticide Task force should hold a series of meetings and report back to the Health Commission and responsible organizations with findings and recommendations every 3 years. Doing this on an annual basis would reduce participation and lead to a superficial review." The Board will not implement the recommendation of the Grand Jury, as it is not warranted for the reasons provided in the Health Commission recommendation above.

**TO:** The Honorable Rodger Piquet, Presiding Judge  
California superior Court, County of San Luis Obispo

**FROM:** Robert Lilley, Agricultural Commissioner/Sealer

**DATE:** April 3, 2006

**SUBJECT:** Response to Grand Jury Report

This is the San Luis Obispo County Agricultural Commissioner (CAC) required response to the San Luis Obispo County Grand Jury Report Pesticide Use At The Agricultural/Urban Interface “Grassroots Effort Yields Promising Crops” in fiscal year 2005-2006 (pursuant to California Penal Code §933 and §933.5). Department responses are required for Findings 2, 3, & 4 and Recommendations 2, 3, & 4. The associated Grand Jury findings and recommendations are numerically grouped. The groupings are followed by the department’s response.

### **Introduction**

Our department welcomes the opportunity to provide information on San Luis Obispo County’s Pesticide Use Enforcement Program. The mission of the Pesticide Use Enforcement Program is to protect people, the environment and the food supply by ensuring the safe use of pesticides in San Luis Obispo County. The Grand Jury’s attention to this important subject is helping us to continue to identify and be aware of the concerns of the community and to educate the public about protective measures already in place.

### **Grand Jury Finding – 2**

*Finding: Growers are subject to obtaining use permit, being inspected and fined for violations ranging from fifty to many thousands of dollars depending on the nature of the noncompliance.*

### **Department Response – Finding – 2**

The Department agrees with the finding.

### **Grand Jury Recommendation – 2**

*Recommendation: Fines imposed on growers should be reviewed and made stringent enough to deter infractions of all regulations.*

## **Department Response Recommendation – 2**

The Department is implementing the recommendation in that penalties for violations are applied by the department accordance with the applicable laws and regulations. These penalties are intended to deter infractions of the laws and regulations that govern the use of pesticides.

All violations are reviewed for appropriate enforcement follow up and action is taken with the aim of deterring future non-compliances. The department maintains a no nonsense approach of taking enforcement follow up seriously. It should be noted that the regulated industry in San Luis Obispo County currently has a 96.3% compliance rate and our local enforcement program is rated by the California Department of Pesticide Regulations as one of the best in the state. A high level of compliance is viewed as a primary factor in determining adequate deterrence.

**The following outlines how we review and categorize violations and fines, as well as other penalty levels available to us.**

Section 6130(a) of the California Code of Regulations (CCR) Title 3 (**Attachment A**) provides the guidelines county agricultural commissioners are required to follow when fining for pesticide violations. Violations are designated as Class A (\$700-\$5,000), Class B (\$250-\$1,000), and Class C (\$50-\$400).

A Class A violation is defined as one which created an actual health or environmental hazard, is a repeat of a Class B, or is a violation of a lawful order of the commissioner to “Cease and Desist” the operation of equipment or a facility which is unsuitable or to prevent the further commission of violations that will present an immediate hazard or cause irreparable damage.

A Class B violation is defined as one, which posed a reasonable possibility of creating a health or environmental effect, or is a repeat of a Class C.

A Class C violation is one not defined in either Class A or Class B. Effectively, they are paperwork and neither creates nor poses the reasonable possibility of creating a health or environmental effect.

A repeat violation is one where a previous fine was levied in the same Class as the proposed fine within two years of the date of the Notice of Proposed Action for the current violation.

The California Department of Pesticide Regulation (DPR), the state agency with authority over the regulation of pesticides, provides guidelines to commissioners on when to fine. DPR annually audits the commissioner's pesticide enforcement program, including their adherence to the fine guidelines, with respect to proposing fines when appropriate and their placement at the correct levels per Section 6130(a) of the CCR.

Our department reviews all violations and follows DPR fine guidelines on when to fine. We perform an internal review to maintain consistency when fining individuals and businesses, determining the fine class, and placing the fine at an appropriate level within each class based on the circumstances of the violation and the violators compliance history.

Violations can be subject to other penalties: (1) violations can be prosecuted criminally as misdemeanors per Section 12996 of the FAC (**Attachment B**) for fines from \$500 to \$5,000 and/or imprisonment for six months, subsequent violations for fines from \$1,000 to \$10,000 and/or imprisonment for six months, with criteria for certain types of violations for fines from \$5,000 to \$50,000 and/or imprisonment for one year. (2) Violations can be prosecuted civilly by DPR and the State Attorney General per Section 12998 of the California Food and Agricultural Code (FAC) (**Attachment C**) in amounts ranging from \$1,000 to \$10,000 with subsequent violations, depending on circumstances, in amounts of \$5,000 to \$25,000 for each violation. (3) Additional administrative actions are available such as suspending, revoking, or denying restricted materials permits by the County Agricultural Commissioner, and suspending, revoking or denying licenses to sell or apply pesticides by DPR.

Our department consults with DPR and the District Attorney to determine when to pursue these alternatives to administrative fines.

### **Grand Jury Finding - 3**

*Finding: All schools are considered "sensitive sites". School safety issues that have been addressed include parental information regarding spraying schedules, the creation of buffer zones around schools and childcare centers and mandatory conditions on restricted pesticide application when children are present.*

### **Department Response Finding – 3**

The Department agrees with the finding.

### **Grand Jury Recommendation - 3**

*Recommendation: Restricted pesticides should be prohibited on school grounds. School officials should adhere to the principles outlined in the Healthy Schools Act of 2000 (AB 2260 and AB 1006) until the long-range effects of pesticides on children's growth patterns can be documented. Buffer zones around schools should be broadened beyond those specified on the manufacturer's label.*

### **Department Response Recommendation – 3**

This recommendation will not be implemented for several reasons. First the Department disagrees that there should be a complete prohibition of the use of restricted pesticides on school grounds. The restricted material permit issuance process for the use of restricted pesticides provides necessary authority to approve or deny the use of restricted materials requested by a school on a case by case evaluation.

The Department agrees that School officials should adhere to the principles outlined in the Healthy Schools Act of 2000 (AB 2260 and AB 1006) until the long-range effects of pesticides on children's growth patterns can be documented. However, implementation of this recommendation is not within the authority of the Department but rather its implementation rests with school officials.

The Department will not implement this recommendation as the Department has limited authority to implement the recommendation. The Commissioner has limited authority to further regulate buffer zone distances, beyond what is already required by the pesticide label, including the buffer zones around schools.

The department will address the three recommendation areas separately:

#### **1) Restricted Material Use on School Sites**

Our department disagrees with the Grand Jury recommendations that restricted materials should be prohibited from use on school grounds. The restricted material permit issuance process for the use of restricted pesticides provides necessary authority to approve or deny the use of restricted materials requested by a school. A school may have a pest problem that threatens the health or safety of the children where the only reliable method of control is a restricted material (e.g. a rodent borne plague outbreak or poisonous spider infestation). Also, alternative methods of pest control may actually be more hazardous to children than the use of restricted pesticides (e.g. the use of scissor traps for gopher control is potentially more dangerous than underground poisoned bait applications).

The permit process allows for analysis of the use of restricted rodent pesticides (**Attachment D**), on an individual basis. This process requires an analysis of potential hazards related to sensitive sites including the likelihood of substantial environmental effects. Before a permit can be issued a series of determinations are required regarding the hazards. If the hazards are mitigated, a permit may be issued. If the hazards are not mitigated the permit must be denied.

The permit process provides the ability for any interested person to request the commissioner review their action in issuing or denying a permit and requires a written response by the commissioner affirming, modifying or canceling the permit action. After the written decision a directly affected person may appeal to the director of DPR for a review of the commissioner's action (**Attachment E**).

The use of restricted pesticides on K-12 school grounds is very limited in the county. However, a few school grounds may use restricted pesticides on their grounds in areas such as the sports fields for rodent or weed control, or as a part of the educational process in vocational agricultural programs to provide instruction on how to manage pests at the production agricultural level.

## **2) Healthy Schools Act of 2000**

Pesticide uses on school sites are governed by general California pesticide laws and regulations, enforced by the Agricultural Commissioner, and by specific laws for schools (Healthy Schools Act 2000, AB 2260), enforced by the Department of Education. The Healthy Schools Act goes beyond the scope of general pesticide laws and regulations in the state. The Healthy Schools Act of 2000 (**Attachment F**) covers the use of any pesticide, restricted or non-restricted. Our department agrees with the Grand Jury that school officials should adhere to the principals and requirements of the Healthy Schools Act.

Our department held multiple meetings with all of the school districts in the county prior to and since the adoption of the Healthy Schools Act. The purpose of these meetings was to provide guidance on how to comply with the Healthy Schools Act, and to promote Integrated Pest Management (IPM). In addition, DPR has complied with the Healthy Schools Act, which requires them to provide specific information to schools on IPM. IPM information and complete details of the Healthy Schools Act are posted on DPR's web site ([www.cdpr.ca.gov](http://www.cdpr.ca.gov)). Additionally, DPR is available to provide additional training to individual school districts to help them comply with the Healthy Schools Act.

In summary, the Healthy Schools Act requires school districts provide annually a list of all pesticides that might be used to parents or guardians, and staff during the school year.

Subsequently, recipients of the list may request advance notification of individual pesticide applications. Also, pesticide treated areas are posted for prescribed times prior to and after applications.

The Grand Jury also notes school officials should comply with California AB 1006. AB 1006 was legislation proposed in the 2004-2005 legislative session. This bill addressed the prohibition of the use of certain pesticides on school sites. However, AB 1006 was not chaptered into law. Instead, an alternate bill AB 405 became effective on January 1, 2006 (**Attachment G**). This law is also enforced by the Department of Education.

AB 405 prohibits the use of pesticides that are currently registered for use in California under a conditional registration, an interim registration, or an experimental use permit. The prohibition is based on the fact these types of registrations typically have outstanding data requirements related to toxicity. An exception to the prohibition is made for conditionally registered pesticides with complete health toxicity data. Also, the prohibition does not apply to pesticides used for the protection of public health. DPR will create and maintain a list, on a quarterly basis, of prohibited pesticides (**Attachment H**). None of the prohibited pesticides are restricted materials. We agree that school districts should comply with AB 405.

### **3) Schools as Sensitive Sites and Buffer Zones for Adjacent Uses of Pesticides**

Our department considers all schools as sensitive sites. A database of all public and private K-12 schools and licensed daycare centers is utilized. These schools are a layer in the department's Geographic Information System (GIS) used to map the location of agricultural crops and parks. This layer is used to identify where pesticides might be used adjacent to schools. The GIS is used to identify those schools within 500 feet of agricultural sites. This information is used to identify and make site specific requirements to individual Restricted Material Permits and make site specific recommendations, beyond what is required by the pesticide label and in regulation, to individual Operator Identification Numbers issued for the use of non-restricted pesticides.

San Luis Obispo County mandatory buffer zones exist for the use of restricted materials adjacent to schools. Ground applications are prohibited within 500 feet and aerial applications are prohibited within    mile of schools (**Attachment I**). These prohibitions exist while children are present at the school and are issued as a restricted material permit condition to individual restricted material permit holders. These buffer zones exist for all restricted materials using ground or aerial application methods. In addition, some specific restricted materials and application methods have larger mandatory buffer zones for occupied structures, which include schools (e.g. a 1 mile buffer zone for overhead

sprinkler applications of metam or potassium sodium – San Luis Obispo County Restricted Material Permit Condition 14 – **Attachment J**). These mandatory buffer zones are larger than any required by manufacturer’s labels.

The commissioner has limited authority to further regulate, beyond what is already required by the label and regulation, the use of non-restricted materials per Section 14006.6(a) of the FAC (**Attachment K**). Additional authority to further regulate non restricted materials only applies if the commissioner determines the use of the non-restricted material will cause an undue hazard under local conditions. Suggested site specific mitigation measures are made to users of non-restricted materials adjacent to sensitive sites, including schools (**Attachment L**). These suggested mitigation measures could include buffer zones. Agricultural users of any pesticides, restricted and non-restricted, with sites within 500 feet of schools are provided specific suggestions for pesticide applications made near homes, schools, and other sensitive sites (**Attachment M**).

AB 947 of 2002 does not provide commissioners with the authority to mandate buffer zones of \_ mile around sensitive sites (i.e. schools and hospitals) as determined by the Grand Jury Report Appendix B “Legislation Governing Pesticide Use in California” under item 3: AB 947, 2002 (**Attachment N**).

AB 947 of 2002 (**Attachment O**) added Section 11503.5 to the FAC. Section 11503.5 of the FAC allows the commissioner to apply Section 11503 of the FAC (**Attachment P**) to adopt regulations applicable to their county with respect to timing, notification, and method of application within \_ mile of a school for pesticides used for agricultural production. When adopted, these regulations are operative within 30 days of their submission, by the commissioner, to the Director of DPR if they are not specifically disapproved in writing.

The Agricultural Commissioner’s Office has not pursued the local rule making process to require additional restriction on non-restricted pesticides around schools as identified in AB 947 because the current system is providing for a level of protection that mitigates hazards around schools sites.

#### **Grand Jury Finding - 4**

*Finding: The CAC and the Public Health Department have coordinated efforts to update their database of childcare facilities in order to prevent pesticide exposure to this most vulnerable population.*



#### **Department Response Finding – 4**

The Department agrees with this finding.

#### **Grand Jury Recommendation - 4**

*Recommendation: The annual updating of childcare locations is an important part of protecting children. Mandatory annual updating should be the responsibility of the office of the CAC.*

#### **Department Response Recommendation – 4**

The Department will not implement this recommendation, as the department does not have the authority to require or obtain information pertaining to the locations of childcare facilities. However, we do agree the annual updating of childcare locations is an important part of protecting children.

The Public Health Department and our department are coordinating efforts to map agricultural operations within 500 feet of a schools or licensed childcare facilities. **(Attachment Q).**

The Public Health Department has the responsibility and authority to gather licensed childcare facility information. Our department is committed to working with the Public Health department to utilize licensed childcare facility information in our GIS layer, which also includes public and private schools.

#### **Conclusion**

Our department recognizes the value of the Grand Jury work in reviewing how the department regulates the use of pesticides and enforces those regulations through fine actions in San Luis Obispo County. In particular, the department welcomes their interest in the protection of children. Our department takes the protection of public health and the environment seriously and is committed to enforcing state laws and regulations, which are designed to provide protection from pesticides.

Our department will continue to respond to and track citizen concerns and complaints about pesticides use in San Luis Obispo County. Whenever possible we will continue to adopt and adjust our enforcement program to meet the needs of the community within our authority and regulatory mandates.

### **Attachments**

- A. Section 6130(a) of the California Code of Regulations (CCR)
- B. Section 12996 of the California Food and Agricultural Code (FAC)
- C. Section 12998 of the FAC
- D. Overview of the Pesticide Permit Consideration Process Under Functional Equivalency Certification
- E. Section 14009 of the FAC
- F. Healthy Schools Act of 2000 – AB 2260, 2000
- G. AB 405, 2005
- H. List of Pesticide Products Prohibited from Use in Schools
- I. San Luis Obispo County Restricted Material Permit Condition #3A – Restricted Material Applications Adjacent to Schools.
- J. San Luis Obispo County Restricted Material Permit Condition #14 – Metam Sodium/Potassium Sodium
- K. Section 14006.6(a) of the FAC
- L. Non-Restricted Materials – Suggested Mitigation Measures for Sensitive Sites
- M. Public Relations – Neighbors and Sensitive Sites – Suggestions for Pesticide Applications Made Near Homes, Schools, and Other Sensitive Sites
- N. Grand Jury Report, Appendix B – Item 3
- O. AB 947, 2002
- P. Section 11503 of the FAC
- Q. Schools/Daycare within 500 feet of Crop/Parks

April 24, 2006

Presiding Judge  
San Luis Obispo County Superior Court  
County Government Center  
San Luis Obispo, CA 93408

Re: Grand Jury Report contained in Pesticide Use at the Agricultural/Urban Interface

**Grand Jury Finding #5:** *The Environmental Resource Section (land use) of CAC's [County Agriculture Commissioner] office is periodically requested by the Planning Department to provide input regarding a suitable location for a new school. This information, which takes into consideration the proximity to existing commercial agriculture, is often disregarded. New schools continue to be placed near large agriculture venues.*

**Planning & Building Department response to Finding #5:** The P&BD often requests comments regarding a particular project from several entities. Whenever a request for comments on a particular project (i.e. a school site) is solicited from an office such as the County's CAC those comments are always taken into consideration in preparing the overall environmental analysis contained in a project staff report. The Grand Jury report indicates and infers that the P&BD *often disregards* comments from the CAC relative to school sites. Since the report fails to specify a particular case or situation, the P&BD is unable to provide an adequate response to this inference. It should be noted that initial responsibility of locating a school site lies with the school district who are more often than not aware of adjacent land uses, such as agriculture, when selecting sites.

**Grand Jury Recommendations #5:** *Recommendations from Environmental Resource Section should be an essential part of any new school project's planning.*

**Planning & Building Department response to Recommendations #5:** As noted previously, the inference that the P&BD disregards "recommendations" by the CAC has not been substantiated. It is the practice of the P&BD to include all relevant comments on recommendations in preparing a project staff report whether for a school site or any other project. In the final analysis, the ultimate decision made whether by the Planning Commission or the Board of Supervisors will require information and testimony from other sources, and not just from the CAC's office. The P&BD suggests that the Grand Jury include the phrase "*by the school district*" at the end of Recommendation #5.

Respectfully,

Victor Holanda, AICP  
Director

Cc: County Administrator



## County of San Luis Obispo • Public Health Department

2191 Johnson Avenue \_ P.O. Box 1489  
San Luis Obispo, California 93406  
805-781-5519 \_ FAX 805-781-1048

**Gregory W. Thomas, M.D., M.P.H.**  
**County Health Officer**  
**Public Health Administrator**

April 24, 2006

Honorable Roger T. Piquet  
Presiding Judge, Superior Court  
1035 Palm Street, Room 385  
San Luis Obispo, CA 93408

RE: Response to Grand Jury Report on Pesticide Use at the Agricultural/Urban Interface

Dear Judge Piquet:

The Health Agency has reviewed the 2005-2006 Grand Jury Report pertaining to ***“Pesticide Use at the Agricultural/Urban Interface.”*** In accordance with Penal Code Section 933, the following is a response on behalf of the Health Agency regarding the findings and recommendation in the Grand Jury Report. The Agency wishes to acknowledge the efforts of the 2005-2006 Grand Jury in pursuing this issue. Responses to the Grand Jury Report are in bold.

Finding (6):

The Task Force on Health and Pesticide Use recommended that they meet every three years.

**Response to Finding (6):**

**The respondent agrees with the finding.**

Recommendation (6):

The Grand Jury recommends that the Task Force on Health and Pesticide Use meet annually for the purpose of review and recommendations.

**Response to Recommendation (6):**

**The Task Force on Health and Pesticide Use is a task force of the San Luis Obispo County Health Commission. The Health Commission met on April 10, 2006 and has received and reviewed this report. The Health Commission and the Health Officer noted that the Task Force is comprised of representatives from the agricultural, environmental and health communities, as well as consumers and County employees. It is felt that meeting once per year would lead to difficulty recruiting representatives from all these areas and would increase the possibility that a review of pesticide issues would be superficial, as opposed to an in-depth review every three years.**

---

Gregory W. Thomas, M.D., M.P.H.  
Health Officer/Public Health Administrator

# Atascadero Unified School District

5601 WEST MALL • ATASCADERO, CALIFORNIA 93422  
DISTRICT OFFICE (805) 462-4200 • FAX (805) 462-4421

*John Rogers, Superintendent*

July 13, 2006

RECEIVED  
9/12/06  
San

7-17-06  
MD.

The Honorable Roger T. Picquet  
Presiding Judge  
San Luis Obispo County Superior Court  
1035 Palm Street  
San Luis Obispo, CA 93408

Judge Picquet,

Enclosed, please find the required response to the Findings and Recommendations of the San Luis Obispo County Grand Jury 2005-2006 Report regarding Racial Issues at Atascadero High School.

For your convenience, this format includes the Grand Jury's Findings and Recommendations underlined above the Atascadero High School Principal's responses.

If I can be of further service, please feel free to contact me.

Sincerely,



JOHN ROGERS  
District Superintendent

Enclosure

**DEDICATED TO STUDENTS ~ COMMITTED TO EXCELLENCE**

Carrisa Plains School • Creston Elementary • Monterey Road Elementary • San Benito Road Elementary  
San Gabriel Road Elementary • Santa Margarita Elementary • Santa Rosa Academic Academy  
Atascadero Fine Arts Academy • Atascadero Junior High School • Atascadero High School  
Del Rio Continuation High School • West Mall Alternative School • Atascadero Adult School

**ATASCADERO HIGH SCHOOL**  
**One, High School Hill**  
**Atascadero, California, 93422**

**Submitted to the Presiding Judge of the Superior Court**

**Required Responses to the San Luis Obispo County Grand Jury Report 2005-2006**

**Submitted by Mrs. Kim Spinks, Principal, AHS**

**July 27, 2006**

**Findings:**

1. AHS reports a racial, sexual, or religious harassment incident to the District only when it is serious enough for the perpetrator to be suspended or expelled. Vandalism and destructive incidents resulting in appreciable financial impact are also reported to the District.

Atascadero High School Administration and clerical staff reports any type of an incident that could be considered serious to a large group of students' safety or is repetitive in nature to the Superintendent's secretary. It is our practice to report senior suspensions in length of 4 or 5 days due to the loss of the senior's right to walk in graduation. It is also our procedure to notify the Superintendent's secretary of any student who is suspended for an Education Code violation that would cause us to file expulsion paperwork. We, at AHS, take any kind of racial, sexual, or religious harassment very seriously. We do not sweep it under the carpet, nor do we plan to. If the harassment causes vandalism of a nature that requires clean-up, paint or sand blasting, we notify the Maintenance Department so that they can get the appropriate personnel and equipment on site to restore the facility. The Maintenance Department has been known to come in on Sunday and clean up graffiti that is hateful, hurtful, and slanderous. At the end of a school year, or at their August meeting, the Board of Trustees is notified of the annual discipline numbers for review. Although suspensions are reported to the District Office and records are maintained regarding the nature of the suspension at the district level, discipline is reported regularly to Educational Services or to the Special Services Departments when support services are needed for students in crisis. Family advocates are utilized by our counselors to provide support for students and their families, especially when racial, sexual or religious harassment takes place because punishment may attack the symptom but not the cause or the foundation of the problem.

2. Incidents not reported to the District are simply logged at the high school. Not all harassment incidents are reported to the AHS Principal. Nearly all of the logged entries are discarded at the end of the school year.

There are instances of harassment that happen at the high school that are not reported to the District Office at the time or day they occur. The Assistant Principal of Discipline reports to the Principal, either at the weekly Manager's meeting or during the day, any serious issues that may be occurring. The Principal will then notify the Secretary to the Superintendent or she will notify the District Office Administration during the weekly Superintendent's Cabinet Meeting. There is a log kept in the Atascadero High School Discipline Office. Some reports are kept by formal documentation and other reports are kept in the Discipline Secretary's note pad. Student records that document behavioral incidents or disciplinary are entered on the student record and are kept until graduation.

3. In 2004-2005, AHS estimated there were 10 to 20 incidents of racial or sexual harassment. Only two resulted in suspension or expulsion. Most of the incidents were racial in nature.

All of the information is recorded in the SASI student information system. The information is kept for the length of time required by the State of California. In the 2004-2005 school year, Atascadero High School had one student suspended for sexual harassment. Without knowing specific student names, it is difficult to verify the statement, 'Most of the incidents were racial in nature.'

4. Not all incidents of racial, sexual, and religious harassment are reported to school or law enforcement authorities.

I am sure that there are situations of racial, sexual, and religious harassment that are not reported to the school and law enforcement authorities. Although AHS encourages students to talk to teachers, administrators, or counselors about issues they might have, the students do not report all incidents. The reasons for this vary based upon the individual involved. When a report is received by AHS' staff, it is dealt with appropriately. Within our system, however, we have realized that some 'soft spots' for reporting exist. If, for example, student conflict occurs at a bus stop or on a bus transporting students to or from a school site, Transportation personnel have the responsibility of handling the situation, and filing a report with their supervisor if they believe documentation is warranted. Sometimes a report is not generated. Sometimes there is a time lag for reports of student behavior to be submitted from the Transportation Department to an administrator at the school site. We have recognized this as weakness in our program. For the past year, the Transportation Department and the schools have been working more closely together to ensure that the student understands that what happens on the bus also affects them at school, and that action is taken at the school site to support the driver and the students.

5. District administration has a record of only one racial harassment incident at AHS in school year 2004-05.

The District keeps records of formal complaints submitted to the Superintendent. These complaints are addressed within policy timelines and procedures. Most student behavior issues are addressed at the school site by staff and are not forwarded to District Office personnel, as policy states that issues should try to be resolved at the lowest level possible. Requests for assistance made through Community Based Team or through the resources provided through the Community LINK's services that the District Office has contracted for more intense SAFE System of Care services are confidential and would not have formal records available at the District level.

6. AHS has no formal counseling program for those students who are suspended or expelled for committing racial, sexual or religious harassment offenses. Students must seek counseling outside the school system.

Many times we recommend counseling for students who have been suspended. In the case of racial, sexual, or religious harassment, we do not currently offer a student support counseling group. Our student support counseling groups are voluntary and are staffed by professionals who would like to help high school students. These groups address a multitude of issues. It is difficult finding a professional who will sacrifice a good paying opportunity to volunteer to work with high school kids. It is also necessary that the student has a desire to attend. If the District were to require students to have professional counseling, then the District would be required to pay for the services. Unfortunately, the District does not have funds to support this service. The District does, however provide the SAFE System of Care, which is a Community Based Support System through the Community LINK. Family Advocates provide voluntary services to families and to students which includes low-cost or free counseling if the student qualifies, but this is completely voluntary and must be a family supported activity.

7. The AHS safety plan contains a well prepared, lengthy, and complete "Sexual Harassment Policy".

I agree with this statement.

8. The AHS safety plan contains thirteen sentences of generic language prohibiting discrimination, "...with respect to age, ethnic groups, religion, gender, sexual orientation, color, race, national origin, ancestry, and physical or mental disability."

I agree with this statement.



9. Tolerance and diversity issues are discussed in staff meetings and whenever necessary to address specific incidents. Sexual Harassment training is the only related training done on an annual basis. Tolerance training is offered to District students as a component of health classes.

When a racial minority student was a junior and a senior in high school, he was a member of the Student Advisory Group that met every four to six weeks. The purpose of the group was for the students to have a direct contact with the Principal and the Assistant Principal of Discipline and an opportunity to share any issues that are going on, on campus. There were times when the student would tell us that students were harassing him or others. We could never get specifics of what he meant by harassment. That didn't stop us from discussing it with the staff. When these subjects, topics or examples would come up, we would share them with the staff at the next staff meeting. We would talk about ways to handle different situations in the classroom or out on campus during lunch or break. We also have covered tolerance type topics twice a year for the past two years during staff development days. All administrators received the two-hour, interactive Sexual Harassment training, as required by state law. All Administrators present Sexual Harassment training on an annual basis to staff along with dozens of mandated safety and health topics that are scheduled for staff meeting training topics each year. Included in these topics are uniform complaint procedures for disability, ethnic, gender, race, socioeconomic, religious, and other types of discrimination. These topics are presented collectively, however, discussion about specific discrimination issues can be part of the interactive process.

10. AHS does not have any parent/teacher/student support-groups to specifically address issues of racial and religious harassment.

I do not agree with this statement. In fall of 2004, we started "Greyhound Hot Topics." The purpose of this evening meeting is to talk about subjects that parents want to talk about. We started off with a couple of key issues such as drugs and alcohol at the high school and how to work with students through their high school days. We supplied a suggestion box at every meeting so we can get information on topics the parents want to hear about instead of us giving out information on what we think parents want to know about. To date, the best-attended evening meetings have been those at which the topics were: teen suicide, cyber bullying, and how to identify a meth user. Other avenues to voice your opinion to the high school administration are through the Parent, Teacher, Student Association (PTSA), and by calling me directly. Additionally, we have held drug awareness nights with our Hispanic community that was widely attended because it was promoted by the Hispanic Liaison the District contracts to employ through the Community LINK.

11. The perception is that AHS administration places a greater degree of importance on incidents of sexual harassment over those of racial harassment.

I do not agree with this statement. The Administration at Atascadero High School has no tolerance for any kind of harassment of any type. Each category of harassment will be addressed within its context and is not tolerated!

12. Fights, vandalism and harassment continue to be problems at AHS. AHS' security coverage has been identified as a weak link in campus safety.

The statistics from the 2003-04 to the 2004-05 school years indicated that fights increased by 15 incidences totaling 40; and battery decreased by 3 incidences totaling 2. Vandalism increased by 4 incidences totaling 5; and harassment increased by 1 incident totaling 1. Currently during the 2005-2006 school year, fights have decreased by 1 incidence totaling 39; and battery decreased by 1 incident totaling 1. Vandalism decreased by 5 incidences totaling 0; and harassment increased by 1 incident totaling 2. It is not clear whether the campus security coverage can be blamed as the weak link in this increase. There are many different variables that could be affecting this.

### **Recommendations:**

1. The Grand Jury recommends the District and AHS develop and implement two separate policies, each addressing racial harassment and religious harassment. Each policy should be as extensive in scope, language and definition as the current AHS Sexual Harassment Policy. If implementation of such policies requires approval from specific State Agencies, then the District should pursue immediate approval to prevent any delay in policy implementation. (Findings 7, 8 and 11)

Policy is developed and edited by the District Office Administration and by legal services. We would like to work with a committee to help develop or edit this policy and administrative regulation.

2. As an integral part of racial and religious harassment education and prevention, the District and AHS should pursue the formation of a volunteer advisory committee made up of concerned parents, teachers and students. The committee would focus on: (1) racial and religious harassment and, (2) education on diversity and tolerance. The District should seek the input of these advisory committees in the development of policy, staff, and student training and curricula. (Finding 10)

If the district deems it necessary for Atascadero High School to form two committees to address (1) racial and religious harassment and (2) increased education on diversity and tolerance in addition to "Greyhound Hot Topics" we will do it.

3. AHS and the District should immediately modify the current procedures regarding the reporting of racial, sexual, and religious harassment incidents. The Grand Jury believes all harassment incidents involving race, religion, and sexual orientation are significant and may be harbingers of more serious trouble. For that reason, the Grand Jury believes all such harassment issues must be reported to the District Office whether the offender(s) is known or not.

By eliminating the filtering of crucial information at the school level, the District will: (1) be aware of the scope and frequency of such incidents, (2) be able to develop and apply necessary disciplinary procedures, (3) be able to stay current with related events, both in the community and the school district, and (4) be prepared to develop related policies and procedures which directly address the issues. (Findings 1, 2, 3, 4, and 5)

Atascadero High School will formally log all incidents of racial, sexual, and religious harassment and will be report to the appropriate District Office staff.

6. AHS should immediately begin to identify racial and religious harassment as destructive forces in the same manner as sexual harassment.

We will continue to seek the best methods, procedures, and strategies to address all forms of inappropriate student behavior in the 2006-2007 school year. From this report we can understand the perception that the different documents may present to a reader or observer. We will take active steps to address these perceptions. These steps will include soliciting input from staff, students, and parents.

# MEMORANDUM

TO: LESLIE BROWN  
NIKKI SCHMIDT  
Office of the County Administrator

DATE: June 15, 2006

FROM: Department of Planning and Building  
Victor Holanda, Director

SUBJECT: San Luis Obispo County Planning and Building Department  
Response to **2005 - 06 Grand Jury Report "Area Advisory Council Resolution"**

---

In your memorandum of May 18, 2006 you requested that this department prepare a response to the Grand Jury Report relative to the specific Findings and Recommendations noted below.

## FINDINGS

**Finding #3.** *Advisory Councils are listed as a "check-list item" on applications for county building permits. (Finding 3)*

**Response:** The Director of the Planning and Building Department disagrees with this statement. Within the Planning and Building Department a REFERRAL CHECKLIST – not an application form – is utilized as a method of insuring completeness in requesting comments on discretionary projects. The "check list" includes *Community Advisory Councils* as one of several interested parties in the land use development /entitlement process to be contacted. On Application Forms for a Building Permit, or CONSTRUCTION PERMIT APPLICATION PACKAGE, there is no reference to a Community Advisory Council.

**Finding #4.** *Advisory Councils receive training from the Planning Department. (Finding 4)*

**Response:** The Director of the Planning and Building Department agrees with this statement.

**Finding #6.** *Certain discretionary permit applications must be acted upon within time constraints defined by state law. (Finding 5)*

**Response:** The Director of the Planning and Building Department agrees with this statement.

## RECOMMENDATIONS

**Recommendation #3.** *All check-off items and other references to advisory councils should be removed from all county permit application forms. A side-letter should be made available to all permit applicants informing them of the advisory councils purpose, legal status, and role (or lack thereof) in the approval process. (Finding 3).*

**Response:** This recommendation will not be implemented because there is no reference to advisory councils on county permit application forms. Public participation is a fundamental requisite the Board of Supervisors expects and has directed the Planning and Building Department to promote. Check lists are used by staff to insure thoroughness in distributing information as well as requesting comments from other offices, departments, or citizen groups such as Community Advisory Councils. At the time a discretionary permit application is issued an applicant is always advised by planning department staff that their application will be forwarded to a Community Advisory Councils for comments.

**Recommendation #4.** *The Planning Department should reassess training of advisory council members and the manual used for this purpose to assure they include an extensive section explaining the purpose, reason for existence, role in the approval process, and legal status of the councils. It should clearly explain their role in the approval process, and legal status of the councils. It should clearly explain their role is strictly confined to the soliciting community input for the purpose of giving advice during the approval process.*

*The first sentence (and any subsequent sections) of the training manual for council members should be revised to eliminate any implication that official duties are assigned to the councils (Finding 4)*

**Response:** The Planning and Building Department has already implemented the first part of this recommendation. At the previous Community Advisory Councils training session conducted on Saturday, April 1, 2006 the Planning and Building Department focused on the role of the Community Advisory Councils with an emphasis on their respective roles, purpose, reason for existence, role in the approval process, and legal status of the councils as being strictly advisory.

The Handbook and Training Manual will be expanded to include any recommendations suggested by County Counsel.

**Recommendation #5.** *Training should make clear that members are responsible for their individual actions on the council as well as the collective actions of the council. They should be apprised of the fact that there is a potential for legal liability for their actions. This portion of the training should be conducted by County Counsel (Finding 4 & 5)*

**Response:** The recommendation of clarifying the role of the Community Advisory Councils was discussed and brought to the attention of all participants at the previous training session for Community Advisory Council's on April 1, 2006. However; specific language suggested by County Counsel clarifying the role of the Community Advisory Councils will be inserted into the Community Advisory Council Handbook and Training Manual within sixty days of the new fiscal year by the Planning Department staff.

**Recommendation #7.** *Advisory councils should respond to issues within the same time frame as is required of the Planning Department if their advice is to be considered. (Finding 6)*

**Response:** The Planning and Building Department will implement this recommendation by requesting and emphasizing that Community Advisory Councils must respond to project referrals within 60 days of notification if they want their advice to be accepted and considered.

*Admin  
L. Brown*

**BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, July 18, 2006

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall, James R. Patterson, and  
Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

In the matter of Consent Agenda:

Consent Agenda Items B-38 and B-39 are added to the Consent Agenda.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and on the following roll call  
vote:

AYES: Supervisors Ovitt, Lenthall, Bianchi, Patterson, Chairperson Achadjian  
NOES: None  
ABSENT: None

Consent Agenda Items B-1 through B-39 are approved as recommended by the County Administrative  
Officer and as amended by this Board.

Consent Agenda Items B-1 through B-39, as amended, are on file in the Office of the County Clerk-Recorder and  
are available for public inspection.

File  
7/18/2006 cmc

STATE OF CALIFORNIA )  
                                  ) ss.  
County of San Luis Obispo )

I, **JULIE L. RODEWALD**, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the  
County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy  
of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 18th day of July, 2006.

(SEAL)

**JULIE L. RODEWALD**  
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: *Sandy Curren* Deputy Clerk

CONSENT AGENDA – REVIEW AND APPROVAL

The routine items listed on the consent portion of the agenda are scheduled for consideration as a group. Recommendations are shown for each item. Any Supervisor may request any item be withdrawn from the Consent Agenda to permit discussion or change the recommendation course of action.

**I. CONSENT AGENDA**

Unless an item is pulled for separate action by the Board, the following recommendations are approved without discussion.

Items set for bid opening and hearing:

- B-1 Submittal of a resolution of intention to vacate a portion of Vineyard Drive, County Road No. 5156 near the Town of Templeton; 1<sup>st</sup> District. (RECOMMEND APPROVAL AND INSTRUCT CLERK TO GIVE NOTICE OF HEARING DATE SET FOR AUGUST 15, 2006 AT 9:00 A.M.)
- B-2 Letter transmitting plans and specifications (Clerk's File) for the expansion of the Juvenile Services Center at the County Operational Center; 3rd District. (RECOMMEND APPROVAL AND INSTRUCT CLERK TO GIVE NOTICE OF BID OPENING SET FOR AUGUST 17, 2006 AT 3:00 P.M.)

Administrative Office Items:

- B-3 Request to approve an amended contract with Carl Warren & Co. (Clerk's File) extending the contract for liability program administration services. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)
- ✓ B-4 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on the Area Advisory Council Resolution. (RECOMMEND APPROVAL.)
- B-5 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on the future of foster children. (RECOMMEND APPROVAL.)
- B-6 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on bicycle riding in the county. (RECOMMEND APPROVAL.)
- B-7 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on community schools. (RECOMMEND APPROVAL.)

Auditor-Controller Items:

- B-8 Submittal of an audit report on the District Attorney's Worker's Compensation Insurance Fraud Program Grant for the period July 1, 2004 through June 30, 2005. (RECOMMEND ITEM BE RECEIVED AND FILED.)
- B-9 Submittal of an audit report on the District Attorney's Worker's Spousal Abuser Prosecution Program Grant for the period July 1, 2004 through June 30, 2005. (RECOMMEND ITEM BE RECEIVED AND FILED.)

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

DEPARTMENT Administration		(2) MEETING DATE July 18, 2006		(3) CONTACT/PHONE Leslie Brown, Administrative Analyst (805) 781-5011	
(4) SUBJECT Request to approve recommended responses to findings and recommendations contained in the May Grand Jury report on the Area Advisory Council Resolution, and to forward the responses to the Presiding Judge of the Superior Court.					
(5) SUMMARY OF REQUEST The Grand Jury has prepared a report addressing the Area Advisory Council Resolution and issues related to the purpose, role and legal authority of these councils. The report directs that the Board of Supervisors respond to all six findings and seven recommendations of the report. The Grand Jury also requires that County Council and the Planning and Building Department respond to specific findings and recommendations. This item includes the departmental responses as well as recommended responses from the Board of Supervisors as required. Upon approval, the responses will be forwarded to the Presiding Judge.					
(6) RECOMMENDED ACTION It is recommended that your Board approve the attached responses and forward these responses to the Presiding Judge of the Superior Court.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): The Grand Jury conferred with County Counsel and staff from the Planning and Building Department as part of their investigation. In addition, members of three Advisory Councils were interviewed by the Grand Jury. As noted above, both County Counsel and the Planning and Building Department have prepared responses to this report.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent <input type="checkbox"/> Limited Term <input type="checkbox"/> Contract <input type="checkbox"/> Temporary Help					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board <input checked="" type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A    Date _____
(23) ADMINISTRATIVE OFFICE REVIEW   <div style="text-align: right; font-size: 1.5em; font-family: cursive;">           7-18-06 0-4         </div>					



# County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



**TO:** Board of Supervisors

**FROM:** Leslie Brown, Administrative Analyst

YD

**DATE:** July 18, 2006

**SUBJECT:** Response to the 2005-2006 Grand Jury Interim Report on the Area Advisory Council Resolution

**DAVID EDGE**  
COUNTY ADMINISTRATOR

## **RECOMMENDATION**

Staff recommends that the Board of Supervisors adopt the attached responses (Attachments 1, 2 and 3) as the Board of Supervisors' response to the May 2006 Grand Jury report on the Area Advisory Council Resolution and forward these responses to the Presiding Judge of the Superior Court.

## **DISCUSSION**

The Grand Jury issued an interim report in May of 2006. The interim report addressed the Area Advisory Council Resolution (96-485) adopted by the Board of Supervisors December 10, 1996. The Grand Jury has requested that the Planning and Building Department, County Council and your Board of Supervisors respond to six findings and seven recommendations related to the Area Advisory Council Resolution, training of Advisory Council members on the purpose, legal status and role of Advisory Councils, and circumstances for which legal defense and indemnification of the councils and their members is provided by the County.

After evaluating the Grand Jury report, staff has prepared a recommended Board of Supervisors' response found in Attachment 1. Also included are responses from the Planning and Building Department (Attachment 2) and County Counsel (Attachment 3) to the Grand Jury report.

The seven recommendations in the Grand Jury Report are based on the assumption that the Area Advisory Council Resolution (96-485) will remain in effect, and are stated before each response on the attached documents.

## **OTHER AGENCY INVOLVEMENT**

The Grand Jury conferred with County Counsel and staff from the Planning and Building Department as part of their investigation. In addition, members of three Advisory Councils were interviewed by the Grand Jury. As noted above, both County Counsel and the Planning and Building Department have prepared responses to this report.

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### **FINANCIAL CONSIDERATIONS**

The Planning and Building Department will incur minor costs associated with the revision of Advisory Council training materials as suggested in the response from County Council (see Attachment 3). These costs will be absorbed within the adopted FY 2006/07 budget and no budget adjustment will be needed.

### **RESULTS**

Adoption of the findings and recommendations will fulfill the County's obligation to respond to Grand Jury reports as specified in Section 933 of the Penal Code.

#### **Attachments**

1. Board of Supervisors' response to the Grand Jury Report on the Area Advisory Council Resolution
2. Planning and Building Department's response
3. County Counsel's response

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# County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



**DAVID EDGE**  
COUNTY ADMINISTRATOR

To: The Honorable Rodger Piquet  
California Superior Court, San Luis Obispo County

FROM: County of San Luis Obispo Board of Supervisors  
Katchik "Katcho" Achadjian, Chairman

DATE: July 18, 2006

RE: 2005-06 Grand Jury Report – Area Advisory Council Resolution

Thank you for the opportunity to respond to the Grand Jury report on the Area Advisory Council Resolution (96-485) adopted by the Board of Supervisors on December 10, 1996. This memo is the County Board of Supervisors response to that report. The required responses from County Counsel and the County Planning and Building Department are also attached.

## **Response to Grand Jury Findings:**

### Grand Jury Finding 1

*There is no method or mechanism for verifying whether applicants for council status, or existing councils, meet the recognition criteria set forth in The Resolution.*

### Board of Supervisor's response to Finding 1

The Board agrees that there is no formal mechanism or method in place to verify the information provided by Advisory Councils documenting their compliance with the recognition criteria set forth in The Resolution. It is incumbent on all Advisory Councils to submit accurate and valid information when requesting Board recognition, and that updated information on membership and council By-laws is submitted to the Board as it changes to maintain recognition status.

### Grand Jury Finding 2

*Multiple Groups can lay claim to advisory council status in the same area.*

### Board of Supervisor's response to Finding 2

The Board agrees with this Finding yet does not consider this to be a problem.

In addition, the Board adopts the responses to Findings 3, 4 and 6 prepared by the Planning and Building Department in their Board letter dated June 15, 2006 as well as

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the responses to Findings 5, 6 and 7 prepared by County Counsel in their Board letter dated June 13, 2006. Both of these documents are attached, as mentioned earlier.

**Response to Grand Jury Recommendations:**

Grand Jury Recommendation 1

*The Board of Supervisors should assume responsibility for assuring the conditions of The Resolution for recognition are met. The Resolution should be amended to establish a procedure for determining if groups applying for or claiming advisory council status meet the requirements of The Resolution (Finding 1).*

Board of Supervisor's response to Recommendation 1

This recommendation will not be implemented because the Board members believe that the current relatively informal arrangements concerning Advisory Councils are sufficient.

Grand Jury Recommendation 2

*The Board of Supervisors needs to implement a method of resolving conflicts which arise from applications for recognition by competing councils in the same area (Finding 2).*

Board of Supervisor's response to Recommendation 2

This recommendation will not be implemented, because, as stated earlier, the Board does not view this situation as a problem.

In addition, the Board adopts the responses to Recommendations 3, 4, 5 and 7 prepared by the Planning and Building Department in their Board letter dated June 15, 2006 as well as the June 13, 2006 responses to Recommendations 5, 6 and 7 prepared by County Counsel.

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SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

MEMORANDUM

DATE: June 15, 2006

TO: Honorable Roger Piquet  
California Superior Court

FROM: Department of Planning and Building *Victor Holanda*  
Victor Holanda, Director

SUBJECT: San Luis Obispo County Planning and Building Department  
Response to 2005 – 06 Grand Jury Report "Area Advisory Council Resolution"

In your memorandum of May 18, 2006 you requested that this department prepare a response to the Grand Jury Report relative to the specific Findings and Recommendations noted below.

FINDINGS

**Finding #3.** *Advisory Councils are listed as a "check-list item" on applications for county building permits. (Finding 3)*

**Response:** The Director of the Planning and Building Department disagrees with this statement. Within the Planning and Building Department a REFERRAL CHECKLIST – not an application form – is utilized as a method of insuring completeness in requesting comments on discretionary projects. The "check list" includes *Community Advisory Councils* as one of several interested parties in the land use development /entitlement process to be contacted. On Application Forms for a Building Permit, or *CONSTRUCTION PERMIT APPLICATION PACKAGE*, there is no reference to a Community Advisory Council.

**Finding #4.** *Advisory Councils receive training from the Planning Department. (Finding 4)*

**Response:** The Director of the Planning and Building Department agrees with this statement.

**Finding #6.** *Certain discretionary permit applications must be acted upon within time constraints defined by state law. (Finding 5)*

**Response:** The Director of the Planning and Building Department agrees with this statement.

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6*

## RECOMMENDATIONS

**Recommendation #3.** *All check-off items and other references to advisory councils should be removed from all county permit application forms. A side-letter should be made available to all permit applicants informing them of the advisory councils purpose, legal status, and role (or lack thereof) in the approval process. (Finding 3).*

**Response:** This recommendation will not be implemented because there is no reference to advisory councils on county permit application forms. Public participation is a fundamental requisite the Board of Supervisors expects and has directed the Planning and Building Department to promote. Check lists are used by staff to insure thoroughness in distributing information as well as requesting comments from other offices, departments, or citizen groups such as Community Advisory Councils. At the time a discretionary permit application is issued an applicant is always advised by planning department staff that their application will be forwarded to a Community Advisory Councils for comments.

**Recommendation #4.** *The Planning Department should reassess training of advisory council members and the manual used for this purpose to assure they include an extensive section explaining the purpose, reason for existence, role in the approval process, and legal status of the councils. It should clearly explain their role in the approval process, and legal status of the councils. It should clearly explain their role is strictly confined to the soliciting community input for the purpose of giving advice during the approval process.*

*The first sentence (and any subsequent sections) of the training manual for council members should be revised to eliminate any implication that official duties are assigned to the councils (Finding 4)*

**Response:** The Planning and Building Department has already implemented the first part of this recommendation. At the previous Community Advisory Councils training session conducted on Saturday, April 1, 2006 the Planning and Building Department focused on the role of the Community Advisory Councils with an emphasis on their respective roles, purpose, reason for existence, role in the approval process, and legal status of the councils as being strictly advisory.

The Handbook and Training Manual will be expanded to include any recommendations suggested by County Counsel within sixty days of the new fiscal year by the Planning Department staff.

**Recommendation #5.** *Training should make clear that members are responsible for their individual actions on the council as well as the collective actions of the council. They should be apprised of the fact that there is a potential for legal liability for their actions. This portion of the training should be conducted by County Counsel (Finding 4 & 5)*

**Response:** The recommendation of clarifying the role of the Community Advisory Councils was discussed and brought to the attention of all participants at the previous training session for Community Advisory Council's on April 1, 2006. However; specific language suggested by County Counsel clarifying the role of the Community Advisory Councils will be inserted into the Community Advisory Council Handbook and Training Manual within sixty days of the new fiscal year by the Planning Department staff.

**Recommendation #7.** *Advisory councils should respond to issues within the same time frame as is required of the Planning Department if their advice is to be considered. (Finding 6)*

**Response:** The Planning and Building Department will implement this recommendation by requesting and emphasizing that Community Advisory Councils must respond to project referrals within 60 days of notification if they want their advice to be accepted and considered.

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JAMES B. LINDHOLM, JR.  
COUNTY COUNSEL

OFFICE OF THE  
**COUNTY COUNSEL**  
COUNTY OF SAN LUIS OBISPO  
COUNTY GOVERNMENT CENTER, ROOM D320  
SAN LUIS OBISPO, CA 93408  
TELEPHONE (805) 781-5400  
FAX (805) 781-4221

ASSISTANT  
JAC A. CRAWFORD

CHIEF DEPUTY  
R. WYATT CASH

DEPUTIES  
JAMES B. ORTON  
WARREN R. JENSEN  
PATRICIA A. STEVENS  
KATHY BOUCHARD  
TIMOTHY MCNULTY  
ANN CATHERINE DUGGAN  
PATRICK J. FORAN  
LESLIE H. KRAUT  
RITA L. NEAL  
PATRICIA GOMEZ  
STACY MILLICH  
SUSAN HOFFMAN  
CHERIE J. VALLELUNGA

June 13, 2006

Honorable Roger Picquet  
Presiding Judge  
Superior Court of the State of California  
County of San Luis Obispo  
1035 Palm Street, Room 385  
San Luis Obispo, CA 93408

Re: Response to Grand Jury Report

Dear Judge Picquet:

The San Luis Obispo County Counsel's Office submits the following responses to the Grand Jury concerning their Grand Jury's report regarding area advisory councils.

**Finding #5:** "County Council [sic] is obligated to defend legal actions against advisory councils and the County must indemnify councils against losses in litigation."

**Response:** County Counsel agrees that the County has decided that members of private associations who have undertaken the study of various land use projects and policies for the purpose of giving input to county officials will be provided defense and indemnity against claims and lawsuits arising from their advisory committee work as long as they are not acting with fraud, corruption or malice. This means that, for claims arising out of advisory decisions made by a recognized community advisory group or for activity directly related to those decisions, the County will be responsible for defending individual advisory group members who are the subject of claims or litigation.

**Finding #6:** "Certain discretionary permit applications must be acted upon within time constraints defined by state law."

**Response:** This office agrees with this finding.

**Recommendation #5:** "Training should make clear that members are responsible for their individual actions on the council as well as the collective actions of the council. They should be apprised of the fact that there is a potential legal liability for their actions. This portion of the training should be conducted by County Counsel. (Findings 4 & 5)"

Attachment 3

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June 20, 2006

**Response:** The respondent disagrees partially with the finding. The recommendation will be implemented by adding additional content in training materials. The training materials will be supplemented within sixty (60) days, as outlined below. Training by this office should not be necessary. The Planning and Building Department publishes and distributes the "San Luis Obispo County Community Advisory Council Handbook," and also offers a training program to advisory council members. The handbook and training program materials could be expanded to include the following:

"Advisory groups in San Luis Obispo County are private associations which have undertaken the study of various land use projects and policies for the sole purpose of giving input to official County boards and commissions, such as the Planning Commission and Board of Supervisors. Such groups have assisted in all supervisorial districts by letting appointed and elected officials gain an understanding of each community's concerns.

The County has had a long-standing policy of treating County volunteers as employees for purposes of providing defense and indemnification from claims and lawsuits. The County has adhered to the Tort Claims Act by treating volunteers in the same fashion it does employees, by recognizing that a volunteer acting within the scope of their duties performed on behalf of the County would be entitled to defense and indemnity provided their actions have not been taken because of fraud, corruption, or malice. This means that for claims arising out of advisory decisions taken by a recognized community advisory group, and for activity directly related to those decisions, the County would be responsible for defending individual advisory board members who are the subject of claims or litigation. With regard to the provision that an advisory board member not act with fraud, corruption, or malice, this generally requires that advisory committee member avoid making recommendations on the basis of personal animosity or bias against a project proponent or opponent."

**Recommendation #6:** County Counsel should provide council members with an explanation clearly defining the conditions under which the county will, or will not, provide legal defense and indemnification to the councils and their members. (Finding 5)

**Response:** Please refer to the response to recommendation #5 as to defense of advisory committee members. We have not had any litigation filed against an advisory group or one of its members. However, if litigation were filed, each case would need to be analyzed on its own.



Honorable Roger Picquet  
Re: Response to Grand Jury Report

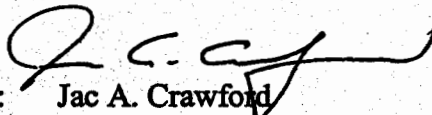
June 20, 2006

**Recommendation #7:** Advisory councils should respond to issues within the same time frame as is required of the Planning Department if their advice is to be considered. (Finding 6)"

**Response:** This office agrees with the recommendation.

Very truly yours,

JAMES B. LINDHOLM, JR.  
County Counsel

By:   
Jac A. Crawford  
Assistant County Counsel

JAC:pk

cc: Leslie A. Brown, County Administrative Office  
Nikki Schmidt, County Administrative Office  
Victor Holanda, Director, Department of Planning & Building

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**TO: NIKKI SCHMIDT, ADMINISTRATIVE ANALYST**

**FROM: DUANE P. LEIB, GENERAL SERVICES DIRECTOR**

**DATE: JULY 5, 2006**

**SUBJECT: RESPONSE TO GRAND JURY REPORT ON THE SAN LUIS OBISPO  
COUNTY FLEET GARAGE**

As requested, the following is my response to the latest Grand Jury report on Fleet Services:

**Finding #1:** AThe Memorandum of Understanding between the departments of General Services and Public Works prevents complete implementation of the Board of Supervisors directive.@

**Response:** The Department of General Services agrees. Although the Memorandum of Understanding may be seen as beneficial to the Department of Public Works, it is seen as problematic by the Department of General Services. The Fleet Services division of the Department of General Services maintains every county department=s vehicles. No other county department has an MOU, nor is one needed. This includes the public safety vehicles which are the highest priority in the Fleet. The idea of an MOU with DPW was born out of fear of the unknown at the commencement of services to DPW as to how their fleet would be maintained and whether the service level would meet their needs. Since several years have passed and the arrangement has shown itself to be very successful for the county, there is no further need for an MOU. The MOU allows DPW complete control over the choice to have their vehicles serviced by the county or outside vendors. This control should be centralized within Fleet Services as it is for other county departments.

**Finding #2:** AThe Grand Jury was given conflicting reports from each department about the actual savings to the departments after they had been combined.@

Nikki Schmidt  
July 6, 2006  
Page two

**Response:** There is no dispute that a savings to the county exists from the consolidation of services. What is at dispute is the amount of the savings. It appears that the Department of General Services has estimated on the Ahigh@ side and the Department of Public Works has estimated on the Alow@ side. Both positions probably represent each department=s political view of the success of the consolidation. The Department of General Services recently forwarded financial savings info to the Auditor/Controller for his review. It is our understanding the Auditor will review info from both departments and offer an opinion.

**Recommendation #1:** AThe Board of Supervisors should invalidate the Memorandum of Understanding. (Finding 1).@

**Response:** The Department of General Services concurs with this recommendation.

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**County of San Luis Obispo**  
**Office of the Auditor-Controller**  
1055 Monterey Street Room D220  
San Luis Obispo, California 93408  
(805) 781-5040 FAX (805) 781-1220



**GERE W. SIBBACH, CPA**  
**BILL ESTRADA, Assistant**  
**JAMES ERB, CPA, Deputy**  
**LYDIA CORR, CPA, Deputy**

TO: HONORABLE ROGER PIQUET, SLO COUNTY SUPERIOR COURT  
FROM: GERE SIBBACH, AUDITOR-CONTROLLER  
DATE: JULY 5, 2006  
SUBJECT: RESPONSE TO GRAND JURY REPORT ENTITLED "SLO COUNTY FLEET GARAGE"

The grand jury's report requires response from the County Auditor to Finding 2 and Recommendation 2.

**Finding 2:** The Grand Jury was given conflicting reports from each department about the actual savings to the departments after they combined.

**Response: The Auditor partially disagrees with this finding.**

We requested information from both departments about the reports given to the grand jury regarding actual cost savings. We found that neither department had developed comprehensive accounting data about this matter, but had apparently provided only sketchy written or verbal information to the grand jury, and that this information seemed to conflict. However, after digging deeper into the representations made to the grand jury, we found that the information is not necessarily in conflict.

The Public Works Department (DPW) tracked their actual equipment fleet costs for about two years after the consolidation and reported that their costs had increased both years. This could result from inflationary increases in labor and materials, heavier utilization, or more extensive repairs during those years. DPW provided no analysis of those possible factors.

General Services (DOGS) noted that they had reduced the overall staffing for the combined two garages by two positions and reduced some parts inventory. In the view of DOGS, this must have saved money over what it would have been without the combination of the maintenance operations. They did not consider pay increases granted to maintenance staff nor inflation in other labor and material cost categories.

On further examination it became clear that the two departments were looking at the issue from different standpoints. While DOGS contends that they reduced costs on an overall basis from they would have been, that does not mean that costs were reduced countywide on an absolute basis, nor does it mean that the maintenance costs levels experienced by DPW were reduced. Perhaps more of the savings flowed to the Sheriff, Department of Social Services, or other departments relying on the fleet maintenance service. DPW reported that their maintenance costs went up, but did not examine what their costs might have been without consolidation.

Honorable Roger Piquet  
July 7, 2006  
Page 2

**Recommendation 2:** The County Auditor should conduct an operational audit of the combined maintenance operations to determine if, and to what extent, overall costs have been reduced since consolidation of the two garages.

**The Auditor will not implement this recommendation.**

The Auditor has already performed a limited review (see response to Finding 2) and determined that the two departments' representations about cost savings are not necessarily in conflict. We also found that accounting records for the combined fleet garage over the years since consolidation are designed to report what costs *actually were*, and not what they *might have been* without consolidation.

Therefore, compliance with the grand jury's recommendation would require that the Auditor make judgments about what *might have been*. These judgments would be open to question by any interested party. Perhaps more importantly, we believe the question to be moot. The grand jury's narrative includes the following statement "*Our investigation revealed that the consolidated fleet garage on Kansas Avenue is performing satisfactorily...*" and so the grand jury has not suggested that the consolidation decision be reversed. Therefore, it does not appear that any additional auditing procedures are warranted at this time.

**Cc: County Administrative Officer**

**BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, August 8, 2006

**PRESENT:** Supervisors Shirley Bianchi, Jerry Lenthall, James R. Patterson, and Chairperson K.H. 'Katcho' Achadjian

ABSENT: Supervisor Harry L. Ovitt

**In the matter of Consent Agenda:**

This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

**Chairperson Achadjian:** opens the floor to public comment without response.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and on the following roll call vote:

**AYES:** Supervisors Bianchi, Lenthall, Patterson, Chairperson Achadjian

**NOES:**           None

**ABSENT:** Supervisor Ovitt

**Consent Agenda Items B-1 through B-14 are approved as recommended by the County Administrative Officer.**

Consent Agenda Items B-1 through B-14 are on file in the Office of the County Clerk-Recorder and are available for public inspection.

File  
8/9/06 cmc

STATE OF CALIFORNIA )

**SS.**

County of San Luis Obispo )

I, **JULIE L. RODEWALD**, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

**WITNESS** my hand and the seal of the said Board of Supervisors, affixed this 9<sup>th</sup> day of August, 2006.

(SEAL)

**JULIE L. RODEWALD**  
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: Sandy Currens Deputy Clerk

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08/08/2004

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PUBLIC COMMENT PERIOD

Members of the public wishing to address the Board on matters other than scheduled items, may do so when recognized by the Chairperson. Individuals interested in speaking should fill out a "Board Appearance Request Form" located at the back of the Board Chambers and hand it to the Clerk of the Board. Presentations are limited to three minutes per individual.

CONSENT AGENDA - REVIEW AND APPROVAL

The routine items listed on the consent portion of the agenda are scheduled for consideration as a group. Recommendations are shown for each item. Any Supervisor may request any item be withdrawn from the Consent Agenda to permit discussion or change the recommendation course of action.

**I. CONSENT AGENDA**

Unless an item is pulled for separate action by the Board, the following recommendations are approved without discussion.

Administrative Office Items:

- ✓ B-1 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on the San Luis Obispo County Fleet Garage. (RECOMMEND APPROVAL.)
- B-2 Submittal of a notice to commence negotiations for the exchange of property tax revenue and annual tax increment for the detachment of property from the City of Arroyo Grande (Milne property). (RECOMMEND APPROVAL.)
- B-3 Request to terminate the proclamation of Local Emergency related to the impact of salmon fishing restrictions. (RECOMMEND APPROVAL.)

Clerk-Recorder Items:

- B-4 Request approval of the minutes of the Board of Supervisors meetings of June 6, 13, 19, 20, 21 and 27, 2006. (RECOMMEND APPROVAL.)
- B-5 Request approval of the Policies and Procedures for Operation and Conduct of Hearings before the Assessment Appeals Board. (RECOMMEND APPROVAL.)
- B-6 Submittal of the Port San Luis Harbor District 2006-2007 Final Budget. (RECOMMEND ITEM BE RECEIVED AND FILED.)

Public Works Items:

- B-7 Request to approve a fee increase and time extension for a professional services agreement with Wood Rodgers Consulting Engineers, for engineering services required to prepare a master Environmental Impact Report, final plan, specifications and estimates for the Halcyon Road Climbing Lane Improvements; 4<sup>th</sup> District. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administration		(2) MEETING DATE August 8, 2006		(3) CONTACT/PHONE Jim Grant, Administrative Office (805) 781-5020	
(4) SUBJECT Request to approve recommended responses to findings and recommendations contained in the Grand Jury report on the San Luis Obispo County Fleet Garage and to forward the responses to the Presiding Judge of the Superior Court.					
(5) SUMMARY OF REQUEST The Grand Jury has prepared a report addressing several issues associated with the County Garage. The report directs that the Board of Supervisors respond to the two findings and two recommendations in the report. The Grand Jury also requires that the County Public Works Department, the Department of General Services and the Auditor-Controller to respond to the findings and recommendations. This item includes the Board of Supervisors and departmental responses to the findings and recommendations. Upon approval, the responses will be forwarded to the Presiding Judge.					
(6) RECOMMENDED ACTION It is recommended that your Board approve the attached responses and forward these responses to the Presiding Judge of the Superior Court.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): The Public Works Department, Department of General Services and the Auditor-Controller were contacted and requested to respond to this report.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All		(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board <input checked="" type="checkbox"/> N/A	
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A			
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A			
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____		(21) W-9 <input type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A    Date _____	
(23) ADMINISTRATIVE OFFICE REVIEW   <div style="text-align: right; font-size: 2em; font-family: cursive; margin-top: 20px;">             8-8-06 B-1           </div>					



# County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



**DAVID EDGE**  
COUNTY ADMINISTRATOR

**TO:** Board of Supervisors

**FROM:** Jim Grant, Deputy County Administrator

**DATE:** August 8, 2006

**SUBJECT:** Request to approve recommended responses to findings and recommendations contained in the Grand Jury report on the San Luis Obispo County Fleet Garage and to forward the responses to the Presiding Judge of the Superior Court.

## **RECOMMENDATION**

It is recommended that your Board approve the attached responses and forward these responses to the Presiding Judge of the Superior Court.

## **DISCUSSION**

In 2001-02, the Grand Jury recommended to the Board of Supervisors that the garages of the Public Works Department (Public Works) and the Department of General Services (General Services) be combined as a way to reduce costs and increase efficiency by eliminating duplication.

On February 25, 2003 the Board of Supervisors approved the concept of consolidating the garages under General Service's management to be effective March 9, 2003. An operating plan was agreed to and documented in a Memorandum of Understanding (MOU) between the two departments. The consolidation resulted in an annual savings of approximately \$76,000 due to the elimination of two staff positions.

In June of 2006, the Grand Jury issues a report addressing several issues associated with the County Garage. The report revealed that the consolidated garage is performing satisfactorily though the extent of savings realized from the consolidation is not clear. Additionally, the report directs that the Board of Supervisors respond to the two findings and two recommendations of the report. The Grand Jury also requires that the Public Works Department, General Services and the Auditor-Controller to respond to the findings and recommendations. This item includes the Board of Supervisors and departmental responses to the findings and recommendations

After evaluating the Grand Jury report, staff has prepared a recommended Board of Supervisors' response found in Attachment 1. Also included are responses from the Public Works (Attachment 2), General Services (Attachment 3) and the Auditor-Controller (Attachment 4) to the Grand Jury report.

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### **OTHER AGENCY INVOLVEMENT**

The Grand Jury conferred with, Public Works, General Services and the Auditor-Controller as part of their investigation.

### **FINANCIAL CONSIDERATIONS**

In 2003 the garage consolidation yielded a net annual savings of approximately \$76,000 (elimination of two positions) and also enhanced efficiency in garage operations and eliminated duplicate management, inventory and accounting practices.

The recent Grand Jury report found conflicting information from Public Works and General Services about the actual savings to the departments after they had been combined.

### **RESULTS**

Adoption of the findings and recommendations will fulfill the County's obligation to respond to Grand Jury reports as specified in Section 933 of the Penal Code.

#### **Attachments**

1. Board of Supervisors' response to the Grand Jury Report
2. Public Works response
3. General Services response
4. Auditor-Controller response

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# BOARD OF SUPERVISORS

1055 MONTEREY, ROOM D430 • SAN LUIS OBISPO, CALIFORNIA 93408-2040 • 805.781.5450



*HARRY L. OVITT, Supervisor District One*  
*SHIRLEY BIANCHI, Supervisor District Two*  
*JERRY LENTHALL, Supervisor District Three*  
*KHATCHIK H. "KATCHO" ACHADJIAN, Supervisor District Four*  
*JAMES R. PATTERSON, Supervisor District Five*

TO: The Honorable Rodger Piquet, Attachment 1  
California Superior Court, San Luis Obispo County

FROM: County of San Luis Obispo Board of Supervisors  
Katchik "Katcho" Achadjian, Chairman

DATE August 8, 2006

RE: 2005-2006 Grand Jury Report - San Luis Obispo County Fleet Garage

Thank you for the opportunity to respond to the Grand Jury report on the County Garage. This memo is the County Board of Supervisors response to the report. The required responses from County Public Works, Department of General Services and Auditor-Controller are also attached to this memo.

## Grand Jury Finding 1

The Memorandum of Understanding between the departments of General Services and Public Works prevents complete implementation of the Board of Supervisors' directive.

## Board of Supervisor's response to Finding 1

We disagree with this finding.

Overall, the consolidation has been successful and Memorandum of Understanding (MOU) (agreed to and signed by both departments) ensures that both departments are provided a written operating plan that guides the consolidation. As stated in the original Board letter dated February 25, 2003, "The Department of Public Works will still own its own equipment and will essentially be contracting with General Services for the maintenance service".

In essence, the consolidation created a business relationship between the Public Works and General Services. Public Works is the customer and the General Services is the service provider. The MOU serves as a service agreement that provides, in part, the scope of services, compensation, equipment ownership, use of other vendors and dispute resolution. The Board finds that the MOU challenges General Services to be

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competitive in the marketplace, increases General Service's accountability to provide service at competitive rates and provides flexibility to Public Works provide effective and timely road service, often in times of emergencies.

Grand Jury Finding 2

*The Grand Jury was given conflicting reports from each department about actual savings to the departments after they had been combined.*

Board of Supervisor's response to Finding 2

The Board adopts the Auditor-Controller's response to this finding.

Grand Jury Recommendation 1

*The Board of Supervisors should invalidate the Memorandum of Understanding.*

Board of Supervisor's response to Recommendation 1

The Board of Supervisors will not implement this recommendation and adopts the Public Works Department's response.

Grand Jury Recommendation 2:

*The County Auditor should conduct an operational audit of the combined maintenance operations to determine if, and to what extent, overall costs have been reduced since the consolidation of the two garages.*

Board of Supervisor's response to Recommendation 2

The Board adopts the Auditor-Controller's response to this finding. Additionally, the consolidation of the garages in 2003 reduced net costs by approximately \$76,000 by eliminating two positions. Since the consolidation, garage staffing levels have remained static so the original personnel savings have saved money each year.

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# SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

June 29, 2006

## MEMORANDUM

**TO:** The Honorable Rodger Piquet,  
California Superior Court, San Luis Obispo County

**FROM:** Noel King, Director of Public Works *NK*

**SUBJECT:** San Luis Obispo County Public Works Department - Response to "Grand Jury Report Titled "San Luis Obispo County Fleet Garage"

The Grand Jury Report on "San Luis Obispo County Fleet Garage" requires response from the County Public Works Department on Finding 1 and 2 and Recommendation 1.

**Finding 1:** The Memorandum of Understanding between the departments of General Services and Public Works prevents complete implementation of the Board of Supervisors' directive.

**Reply:**

**The Public Works Department disagrees with this finding.**

The first paragraph of the Grand Jury Report refers to a Board of Supervisors "directive" to be found in Appendix B of the report. However, a complete reading of this document finds no such directive.

The recommendations to the Board in the Appendix B document include approval of the concept of consolidation of garage operations; authorization of the transfer of ownership of various shop equipment and funds; authorization of the payment for parts; and approval of a change in staff position allocations.

Under the "Discussion" section of the agenda report that effected this new process under which the Public Works equipment would be serviced by the General Services Shop the majority of the time, the document states that the Public Works Department will continue to owns its own equipment and, under the section on "Other Agency Involvement," the document states "Public Works staff will have frequent input into various repair decisions, as outlined in the Interdepartmental Memorandum of Understanding."

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The Grand Jury stated that the MOU prevents the complete implementation of the Board's direction. They, however, failed to define what "complete" means to them. If, by that, they mean that all Public Works equipment should be maintained by General Services at all times, they are incorrect. That would not be cost effective or feasible. The Board understood this when they endorsed the agenda item in Appendix B that stated, in part "It is anticipated that the majority of the construction equipment repairs, as well as most major repairs to the sedans and pickup trucks, will be outsourced to private shops, and the routine servicing and minor repairs will be done in the General Services shop."

It is clear that this memorandum of understanding is an integral part of the Board of Supervisors' intent for this new process to maintain Public Works equipment, as expressed in the agenda item that was referenced by the Grand Jury in Appendix B of their report.

**Finding 2:** The Grand Jury was given conflicting reports from each department about the actual savings to the departments after they had been combined.

**Reply:**

**The Public Works Department disagrees with this finding.**

The Public Works Department disagrees with this finding, on the basis that the Department did not submit any cost related reports to the Grand Jury. Our department recently learned of some cost related information submitted to the Grand Jury by an individual who is employed by the department and was interviewed by the Grand Jury. This information was not prepared by the Finance Division of Public Works Department, nor was it reviewed and submitted by the Public Works Director. Therefore, the Grand Jury is incorrect in stating that this information came from the Public Works Department. Additionally, no related information generated by the General Services Department has been shared with us by the Grand Jury.

If the County Auditor/Controller believes this issue is worth spending the time and expense to audit the costs of maintenance by the General Services Garage, we would cooperate with the Auditor during the course of that audit.

## **RECOMMENDATIONS**

**Recommendation 1:** The Board of Supervisors should invalidate the Memorandum of Understanding. (Finding 1)

**The Public Works Department will not implement this recommendation, nor will it recommend that the Board of Supervisors do so.**

Our department does not support this recommendation because it is not warranted, nor reasonable, and would impair the ability of the Department to meet its legally mandated responsibility to effectively maintain and operate its equipment. One of the primary functions of the Public Works Department is to operate and maintain the County

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Maintained Road System. This road system includes over 1300 miles of highway, and serves as the primary transportation link and essential property access for the majority of San Luis Obispo County. The great majority of the equipment that comprises the Public Works Department fleet and is serviced by the Department of General Services is critical to the Public Works Department's ability to perform this essential function. State Law and County Code give the responsibility for maintaining the County Road system, and for the assignment and management of equipment used for County road work, to the Director of Public Works and Transportation.

The primary function of the County Garage is to service the various types of vehicles owned and used by the County. Before the consolidation of the Public Works Equipment Shop and the General Services Garage, all of the vehicles serviced by General Services were the property of the General Fund and other related budget units, and were administered through the General Services Department. However, the Public Works equipment fleet is comprised of property owned by the Road Fund and Special Districts, not the County General Fund. These funds are administered by the Public Works Department, and the accounting for them must be kept separate and distinct from the General Fund. Accordingly, the business relationship of the Departments of Public Works and General Services is that of a customer and a service provider. As such, and like in private business, a service agreement is advisable for this working relationship to be conducted effectively. The intradepartmental Memorandum of Understanding serves as such a service agreement.

To prevent possible misunderstandings that could result in the loss of important safety related services provided by our department with this equipment, the MOU clearly lists the many maintenance related services that remain the responsibility of the Public Works Department. Those include the following:

- Daily operator checks of the equipment before its use on the job sites.
  - Minor maintenance performed by the operators in the road yards.
  - Approval of the scope of services and repairs to the Public Works equipment.
  - Approval of modifications, conversions and addition of accessories to the Public Works equipment.
  - Tracking and coordinating required, annual OSHA crane and aerial device inspections of Public Works equipment by certified inspectors.
  - Road service needed for Public Works equipment.
  - Occasionally arranging for service by private, non General Services Department, vendors when appropriate and warranted.
  - Arranging for, and funding, the replacement of Public Works equipment, as needed.
  - Transporting equipment to and from the General Services' garage.
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The grand Jury report makes no mention of these important, and necessary, equipment related services that continue to be provided by Public Works employees.

In addition to providing the necessary clarification regarding responsibilities for the above ongoing services by Public Works, the MOU serves another very important purpose - - it outlines a clearly documented and understood process for dispute resolution between the service provider and the customer. Again, this is a practice used by many private organizations and has proven to be of value in resolving shop service issues between the two departments.

The Grand Jury attempted to make the case that, if there was no interdepartmental MOU, the General Services Shop personnel would be able to make all decisions regarding the repair and maintenance of all Public Works vehicles and, somehow, that would lead to more cost effective provision of all related county services. That conclusion is not valid, as the Grand Jury has no knowledge of, nor did they mention and attempt to factor in, any of the issues relating to the Public Works Department's need to provide effective and timely roads related service - - often in times of emergencies, or when other significant cost of service issues are involved in the projects being carried out with the needed equipment. At times, these types of important factors dictate when, where and how the Public Works equipment should be serviced.

File: CF 270.190.01 Dept/Grand Jury

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COUNTY OF SAN LUIS OBISPO

**Department of General Services**

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5200  
DUANE P. LEIB, DIRECTOR

**TO: NIKKI SCHMIDT, ADMINISTRATIVE ANALYST**  
**FROM: DUANE P. LEIB, GENERAL SERVICES DIRECTOR**  
**DATE: JULY 5, 2006**  
**SUBJECT: RESPONSE TO GRAND JURY REPORT ON THE SAN LUIS OBISPO COUNTY FLEET GARAGE**

As requested, the following is my response to the latest Grand Jury report on Fleet Services:

**Finding #1:** "The Memorandum of Understanding between the departments of General Services and Public Works prevents complete implementation of the Board of Supervisors directive."

**Response:** The Department of General Services agrees. Although the Memorandum of Understanding may be seen as beneficial to the Department of Public Works, it is seen as problematic by the Department of General Services. The Fleet Services division of the Department of General Services maintains every county department's vehicles. No other county department has an MOU, nor is one needed. This includes the public safety vehicles which are the highest priority in the Fleet. The idea of an MOU with DPW was born out of fear of the unknown at the commencement of services to DPW as to how their fleet would be maintained and whether the service level would meet their needs. Since several years have passed and the arrangement has shown itself to be very successful for the county, there is no further need for an MOU. The MOU allows DPW complete control over the choice to have their vehicles serviced by the county or outside vendors. This control should be centralized within Fleet Services as it is for other county departments.

**Finding #2:** "The Grand Jury was given conflicting reports from each department about the actual savings to the departments after they had been combined."

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Nikki Schmidt  
July 6, 2006  
Page two

**Response:** There is no dispute that a savings to the county exists from the consolidation of services. What is at dispute is the amount of the savings. It appears that the Department of General Services has estimated on the "high" side and the Department of Public Works has estimated on the "low" side. Both positions probably represent each department's political view of the success of the consolidation. The Department of General Services recently forwarded financial savings info to the Auditor/Controller for his review. It is our understanding the Auditor will review info from both departments and offer an opinion.

**Recommendation #1:** "The Board of Supervisors should invalidate the Memorandum of Understanding. (Finding 1)."

**Response:** The Department of General Services concurs with this recommendation.

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**County of San Luis Obispo**  
**Office of the Auditor-Controller**  
 1055 Monterey Street Room D220  
 San Luis Obispo, California 93408  
 (805) 781-5040 FAX (805) 781-1220



**GERE W. SIBBACH, CPA**  
**BILL ESTRADA, Assistant**  
**JAMES ERB, CPA, Deputy**  
**LYDIA CORR, CPA, Deputy**

TO: HONORABLE ROGER PIQUET, SLO COUNTY SUPERIOR COURT  
 FROM: GERE SIBBACH, AUDITOR-CONTROLLER *Gere*  
 DATE: JULY 5, 2006  
 SUBJECT: RESPONSE TO GRAND JURY REPORT ENTITLED "SLO COUNTY FLEET GARAGE"

The grand jury's report requires response from the County Auditor to Finding 2 and Recommendation 2.

**Finding 2:** The Grand Jury was given conflicting reports from each department about the actual savings to the departments after they combined.

**Response: The Auditor partially disagrees with this finding.**

We requested information from both departments about the reports given to the grand jury regarding actual cost savings. We found that neither department had developed comprehensive accounting data about this matter, but had apparently provided only sketchy written or verbal information to the grand jury, and that this information seemed to conflict. However, after digging deeper into the representations made to the grand jury, we found that the information is not necessarily in conflict.

The Public Works Department (DPW) tracked their actual equipment fleet costs for about two years after the consolidation and reported that their costs had increased both years. This could result from inflationary increases in labor and materials, heavier utilization, or more extensive repairs during those years. DPW provided no analysis of those possible factors.

General Services (DOGS) noted that they had reduced the overall staffing for the combined two garages by two positions and reduced some parts inventory. In the view of DOGS, this must have saved money over what it would have been without the combination of the maintenance operations. They did not consider pay increases granted to maintenance staff nor inflation in other labor and material cost categories.

On further examination it became clear that the two departments were looking at the issue from different standpoints. While DOGS contends that they reduced costs on an overall basis from they would have been, that does not mean that costs were reduced countywide on an absolute basis, nor does it mean that the maintenance costs levels experienced by DPW were reduced. Perhaps more of the savings flowed to the Sheriff, Department of Social Services, or other departments relying on the fleet maintenance service. DPW reported that their maintenance costs went up, but did not examine what their costs might have been without consolidation.

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**Recommendation 2:** The County Auditor should conduct an operational audit of the combined maintenance operations to determine if, and to what extent, overall costs have been reduced since consolidation of the two garages.

**The Auditor will not implement this recommendation.**

The Auditor has already performed a limited review (see response to Finding 2) and determined that the two departments' representations about cost savings are not necessarily in conflict. We also found that accounting records for the combined fleet garage over the years since consolidation are designed to report what costs *actually were*, and not what they *might have been* without consolidation.

Therefore, compliance with the grand jury's recommendation would require that the Auditor make judgments about what *might have been*. These judgments would be open to question by any interested party. Perhaps more importantly, we believe the question to be moot. The grand jury's narrative includes the following statement "*Our investigation revealed that the consolidated fleet garage on Kansas Avenue is performing satisfactorily...*" and so the grand jury has not suggested that the consolidation decision be reversed. Therefore, it does not appear that any additional auditing procedures are warranted at this time.

**Cc: County Administrative Officer**

B-1  
13

TO: The Honorable Rodger Piquet,  
California Superior Court, San Luis Obispo County

FROM: County of San Luis Obispo Board of Supervisors  
Katchik "Katcho" Achadjian, Chairman

DATE May 9, 2006

RE: 2005-2006 Grand Jury Report - County of San Luis Obispo Gang Task Force

Thank you for the opportunity to respond to the Grand Jury report related to the County of San Luis Obispo Gang Task Force. This memo is the County Board of Supervisors response to the report. The Sheriff-Coroner has responded to this report and sent his response to you separately. A copy of his response is also included with this report.

Grand Jury Finding 1

*A federal Grant, which is subject to withdrawal at any time, continues to be the primary funding source for the Gang Task Force.*

Board of Supervisors' response to Finding1

The Board partially agrees with this finding. We agree that federal funding provides the majority of funding for Gang Task Force. However, we would note that the amount of federal funding has not kept pace with the actual costs of the task force. The Board of Supervisors adopted budget for the county includes a combination of the available federal funding and General Fund dollars to assure the continuing activities of the Gang Task Force. The federal funds are allocated on an annual basis. Once allocated, the funds are not withdrawn for that year. It is true that these funds, like many of the other special purpose state and federal funds allocated to the county could be withdrawn at some point in the future. However, we note that funding for the Gang Task Force is included as part of the departmental budgets for the County Sheriff-Coroner, District Attorney's Office and Probation Department. The departments work with the state and the federal government to determine whether federal funding for the Gang Task force will be available for the next year. The federal funding has been available for nearly 20 years and appears to be stable.

Grand Jury Recommendation 1

*The expenditures for the Gang Task Force should be permanently funded as part of the annual San Luis Obispo County budget.*

Board of Supervisors response to Recommendation 1

The recommendation from the Grand Jury will not be implemented, because it is not warranted at this time. The Gang Task Force is currently funded and is included in the county budget. A portion of the funding comes from federal sources that have historically been stable. The recommendation implies that other funding sources should be used to fund the Gang Task Force. This would entail forgoing the use of federal funding and replacing it with County General Funds. We do not believe that the county should forgo the use of these federal funds, as they are specifically dedicated for the functions of the Gang Task Force. We also note that the Gang Task Force has been fully funded even as the costs of the Task Force have exceeded the dollars provided by the federal funding. If federal funding for this program ceases entirely, the Board will then consider the use of other funding sources to continue the Gang Task Force. This consideration will occur as part of the county budget process.

April 25, 2006

The Honorable Roger Picquet  
Presiding Judge of the Superior Court  
County Government Center  
San Luis Obispo, California 93408

Re: 2005-2006 Grand Jury Report: Gang Task Force

Dear Judge Picquet:

I have reviewed the 2005-2006 Grand Jury Report entitled "The San Luis Obispo County Gang Task Force". My response to their findings and recommendations are as follows:

Finding

*"A federal grant, which is subject to withdrawal at any time, continues to be the primary funding source for the Gang Task Force."*

The respondent agrees with this finding. The respondent notes, however, that while federal grant funds are the primary funding source for this program, the grant amount does not keep up with the increasing costs, thereby requiring additional general fund support annually. It should also be noted that there is no information known at this time, that would indicate that federal grant funding which supports this program will soon be discontinued.

PAGE 2 - RESPONSE TO 2005-2006 GRAND JURY REPORT - GANG TASK FORCE

Recommendation

*"The expenditures for the Gang Task Force should be permanently funded as part of the annual San Luis Obispo County budget."*

While the respondent agrees with the recommendation, it will not be implemented by the Sheriff's Department as final budget authority rests with the Board of Supervisors after recommendation by the County Administrative Office. The respondent, as well as its' criminal justice partners, including the Probation Department, District Attorney's Office, and all local law enforcement agencies, are confident of the value and benefits of this task force and are committed to continuing the services it provides to the community, regardless of the funding source.

Sincerely,

Patrick Hedges  
Sheriff-Coroner

PH/sb



TO: The Honorable Rodger Piquet,  
California Superior Court, San Luis Obispo County

FROM: County of San Luis Obispo Board of Supervisors  
Katchik "Katcho" Achadjian, Chairman

DATE August 22, 2006

RE: 2005-2006 Grand Jury Report – Juvenile Services Center: "Juvenile Hall"

Thank you for the opportunity to respond to the Grand Jury report related to the County of San Luis Obispo Juvenile Services Center. This memo is the County Board of Supervisors response to the report. The Probation Department has responded to this report and a copy of the department's response is attached to this report.

Grand Jury Finding 1

*The population of minors residing at Juvenile Hall often exceeds capacity. There have been repeated requests for funding to increase the capacity of the Hall, and avoid the increased costs to transport and house minors in another county.*

Board of Supervisors' response to Finding1

The Board partially agrees with this finding. We recognize that over the past several years, there has been an increasing population of youth housed at the Juvenile Hall. At times, the Juvenile Hall has exceeded capacity. Many counties face the same situation and are seeking state assistance to construct facilities for incarcerated youth as the cost of constructing such facilities is high. San Luis Obispo County also seeks to balance the need to construct new juvenile facilities with the many other infrastructure and service needs of the county. We seek to leverage the use of local funds with potential funding available from state and federal sources. Staff has evaluated the requests to expand Juvenile Hall and is proceeding with the expansion in phases. This maximizes the potential to use outside funds to assist with the overall expansion of the Juvenile Hall. The Board has approved and funded the expansion of the Juvenile Hall intake area as the necessary first phase to the increase in capacity.

Grand Jury Recommendation 1

*The San Luis Obispo County Board Of Supervisors should provide funds to expand the capacity of Juvenile Hall to accommodate the increased number of incarcerated youth.*

### Board of Supervisors response to Recommendation 1

This recommendation has been partially implemented. The Board has allocated a total of \$2.75 million dollars for the expansion of Juvenile Hall. The first phase involving the expansion and remodel of the intake area went out to bid on July 18, 2006. An award for the construction contract for this phase is expected in early September of this year.

Chief Probation Officers throughout the state have been lobbying the Governor and legislature to propose a statewide bond issue for the specific purpose of providing funding for local juvenile incarceration facilities. San Luis Obispo County will continue its efforts to develop local, state and other sources of funding for the continued expansion of Juvenile Hall. Although this effort is likely to take more than one year, the expansion of Juvenile Hall will occur in the future. If a state bond is approved and San Luis Obispo County receives funding from the bond measure within the next year, expansion could begin in the subsequent year. If state bond funding is not available, the time frame for expansion may be extended and the county will consider other means to fund expansion as part of the annual capital project development program.

# PROBATION DEPARTMENT

*"Protection, Service & Accountability"*

Main Office (805) 781-5300 ~ 2176 Johnson Ave., San Luis Obispo, CA 93408  
Juvenile Services Center (805) 781-5352 ~ 1065 Kansas Ave., San Luis Obispo, CA 93408  
Juvenile Hall (805) 781-5389 ~ 1065 Kansas Ave., San Luis Obispo, CA 93408

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Kim Barrett  
Chief Probation Officer

Myron Nalepa  
Assistant Chief

**Date:** August 8, 2006

**To:** VINCE MORICI, ADMINISTRATIVE ANALYST

**From:** KIM BARRETT, CHIEF PROBATION OFFICER

**Subject:** RESPONSE TO GRAND JURY REPORT ON JUVENILE HALL

Attached are the Probation Department's response to the Findings and Recommendations of the 05/06 Grand Jury.

## **Findings:**

1. The population of minors residing at Juvenile Hall often exceeds capacity. There have been repeated requests for funding to increase the capacity of the Hall, and avoid the increased costs to transport and house minors in another county.

**Response:** We concur with this finding.

## **Recommendation:**

1. The San Luis Obispo County Board Of Supervisors should provide funds to expand the capacity of Juvenile Hall to accommodate the increased number of incarcerated youth.

## **Response:**

The Probation Department supports the recommendation. We note that the Board of Supervisors has approved remodeling the intake/entry area of the Hall, and construction is expected to begin in November of 2006. This will provide the infrastructure necessary to support additional beds at the Juvenile Hall. The Probation Department has submitted a

Additionally, we are working with the Administrative Office on funding to update our needs assessment, which must be done pursuant to Title 24, 13-201(c) as a next step in moving forward on increasing the capacity of Juvenile Hall. Each of the above steps helps to position the County so that the expansion of the Juvenile Hall can take place. It is our intent to continue to pursue state and other potential sources of funding to help offset the expense related to the expansion of the Juvenile Hall. However, if state or other outside funding sources cannot be found, we will request that the expansion move forward using local funding. We also recognize that the expansion of Juvenile Hall is one of many important capital projects that will require funding.

Tuesday, April 25, 2006

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

**PRESENT:** Supervisors Shirley Bianchi, Jerry Lenthall, James R. Patterson and Chairperson K.H. 'Katcho' Achadjian

**ABSENT:** Supervisor Harry L. Ovitt

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON K.H. 'KATCHO' ACHADJIAN.**

**SUM AGN**

1 A-1-A **Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Bianchi and on the following roll call vote:**

**AYES:** Supervisors Lenthall, Bianchi, Patterson, Chairperson Achadjian  
**NOES:** None  
**ABSENT:** Supervisor Ovitt

**RESOLUTION NO. 2006-135, resolution proclaiming the week of April 23-29, 2006 as "San Luis Obispo County Crime Victims' Rights Week," adopted.**

**Supervisor Lenthall:** reads the resolution and presents the same to Ms. Cindy Marie Absey, Victims-Witness.

**Ms. Absey:** thanks the Board for the recognition and their ongoing support; addresses their role in assisting the victims during the Denney's shooting; presents ribbons for the Board members to wear during the week.

2 A-1-B **Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Bianchi and on the following roll call vote:**

**AYES:** Supervisors Lenthall, Bianchi, Patterson, Chairperson Achadjian  
**NOES:** None  
**ABSENT:** Supervisor Ovitt

**RESOLUTION NO. 2006-136, resolution recognizing *RESCUE ME!* and Animal Shelter Adoption Partners in promoting adoptions and reducing euthanasia of animals in San Luis Obispo County, adopted.**

**Supervisor Bianchi:** reads the resolution and presents the same to Mr. Randy Brachman.

**Mr. Brachman:** Rescue Me, thanks the Board for the recognition and highlights how they started this program; feels this program has changed the way the Animal Shelter is viewed.

**Dr. Eric Anderson:** Animal Services, thanks Mr. Brachman and his group for all they do.

3 A-1-C **Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Bianchi and on the following roll call vote:**

**AYES:** Supervisors Lenthall, Bianchi, Patterson, Chairperson Achadjian  
**NOES:** None  
**ABSENT:** Supervisor Ovitt

**RESOLUTION NO. 2006-136, resolution recognizing the Cal Poly Community Center and proclaiming April 23-29, 2006 as Homeless Awareness Week in San Luis Obispo County, adopted.**

**Supervisor Patterson:** reads the resolution and presents the same to Mr. Dan Pronsolino, Cal Poly.

**Mr. Pronsolino:** addresses the upcoming programs/events to help raise the level of awareness regarding the homeless.

**Mr. Stephan Lamb:** Cal Poly, thanks the Board for their contribution to the homeless shelter.

**Mr. Eric Parkinson:** introduces the film and urges the public to support homeless issues and help resolve this problem.

**Ms. Lisa Maxsudian:** photographer for the film, states all the pictures were taken in the County; highlights what she saw when taking these pictures.

**Mr. Parkinson:** highlights the interviews he conducted with the homeless in the County.

**Ms. Ricki Baird-Church:** addresses her views, as a pastor, on the homeless issues.

**Mr. Scott Peterson:** Pastor for Grace Church, addresses what they are doing to help the homeless in our community.

**Local Pediatrician:** speaks to the needs of the homeless.

**Ms. Lillian Judd:** EOC, thanks the Board for the recognition; the interfaith coalition for their work.

4 PC      This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

**Mr. David Broadwater:** addresses his concern that Supervisor Lenthall is heading up a “task force” on the Dalidio project; has concerns regarding the members on the Task Force; suggests seven additional people/groups that should be on this Task Force; urges the Board to put this matter on an agenda for further discussion.

**Dr. Stephen Hansen:** presents a packet of information regarding Tobacco Retail Licensing - Education Packet; addresses the issue of the sale of tobacco to teens and local control of the same; suggests everyone has a responsibility to stop the sales of tobacco to kids.

**Ms. Berit Elam & Ms. Barbara Sances:** present an informational flyer on the 24-hour Relay Challenge at San Luis Obispo Senior High School; states this is done to help with the drug and alcohol prevention among teens.

**Mr. Jesse Arnold:** speaks regarding Genetically Engineered (GE) crops and his concerns to the same.

**Mr. Dennis Kish:** speaks regarding Supervisor Lenthall’s Task Force relating to the Dalidio project and wants to see the group either expanded or disbanded.

**Mr. Richard Sadowski:** speaks to the Statewide infrastructure problems; concerns regarding water/wastewater issues.

**Mr. Eric Greening:** comments on Supervisor Lenthall’s Task Force and his concern that four elected officials are heading this up; addresses the Public Utilities Commission session on May 4<sup>th</sup> and PG&E’s request to spend money for a study regarding relicensing of Diablo Canyon.

**Mr. Michael Kovacs:** suggests if the public asks questions they are “entitled to good answers” and explains.

**Ms. Betty Winholtz:** states she is speaking for herself; comments on SB 840 and the letter of support that is going out from the City of Morro Bay; urges the Board to also do a letter.

**Mr. Richard Kranzdorf:** comments on the Dalidio project and the committee being established by Supervisor Lenthall; suggests this committee should include as many folks as possible.

**Mr. Alan Martin:** Los Osos resident, suggests this community can solve its problems but they need the Board’s moral support; there is a Regional Water Quality Control Board (RWQCB) meeting this Friday and asks the Board member’s to attend.

**Mr. Bill Moylan:** Los Osos resident, urges the Board to attend the RWQCB meeting and explains why he believes they need the County's help to get the sewer in.

**Ms. Vita Miller:** urges the Board to appear at the RWQCB hearing on Friday to support Los Osos; comments on the proposed dissolution of the Los Osos Community Services District (LOCSD); reads from literature in 1998 to form the District.

**Ms. Gail McPherson:** urges the Board to support the LOCSD at the RWQCB hearing on Friday suggesting the Board represents all the citizens in Los Osos.

**Mr. Al Barrow:** presents a DVD and information on the ABG Pirana which is a pre-treatment system that fits inside an existing septic tank with no alteration to the existing system.

**Mr. Chuck Cesena:** LOCSD Member, comments on an MOU between the County and the RWQCB and this document was not altered to include the LOCSD after its formation; states that septic systems fall under the jurisdiction of the County's Environmental Health division; urges the Board members to show up on Friday at the RWQCB meeting.

**Ms. Lisa Schicker:** LOCSD President, updates the Board on what's occurring in Los Osos and presents three handouts on 1) Facts about LOCSD, 2) Los Osos CDOs (Cease & Desist Orders) and 3) Viewpoint/Editorial by Lisa Schicker dated 4/23/06; urges the Board to attend the RWQCB hearing

**Mr. Dave Duggan:** comments on the Cease and Desist Orders in Los Osos for individual septic systems; comments on the various agencies involved and the role he believes the County has; feels that at the very least the District Supervisor should be at the RWQCB meeting. **No action taken.**

5 B-PC

This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

**Mr. Jesse Arnold:** comments on Item B-9 and what the need is for the security cameras in the Clerk-Recorder's office.

**Ms. Kim Murry:** Planning, comments on Item B-1 and makes a correction to page B-1-5 and asks that it be included in the motion adopting the Consent Agenda.

**Mr. Eric Greening:** comments on Item B-1 and his question on the area of the ordinance regarding exemptions from the normal growth ceiling, specifically relating F3(1); Item B-21 and addresses questions regarding expansion of Lopez.

**Mr. Ed Eby:** speaks to Item B-1 and addresses the six months worth of discussions that have occurred at the Nipomo Community Services District (NCSD) Board and will provide those comments for the record; addresses Section 3 of the proposed ordinance and the need for a clearer definitions of Smart Growth, Green Build and Mixed Uses; suggests the need for language to help promote the growth of Olde Towne Nipomo; comments to language they would like stricken in Section 9.

**Mr. Michael Kovacs:** comments on Item B-5 and the response by the Grand Jury being a critical element of how issues are looked at; urges the Board to implement all the recommendations by the Grand Jury.

**Mr. Michael Winn:** states he is speaking as a private citizen and addresses Item B-1; supports the exemptions from Smart Growth, Green Build and Mixed Uses and would like to see the definitions made clearer; comments on the LEED Standards; questions regarding mining.

**Ms. Clara Bergman:** comments on the Chestnut Villa Project in Olde Towne; addresses Item B-1 and the number of years their project has been in the pipeline already and this is what the area is looking for as it is a Mixed Use project.

**Mr. Jerry Bunin:** Government Affairs- Homebuilders, comments to Item B-1 and Mixed Use projects; addresses the number of years many projects (and not all Mixed Use) have been in the works. **No action taken.**

- 6 B-1 Consent Agenda Item B-1 is amended to correct page B-1-5 of the staff report, Section 4,  
thru (a) Category 1, the second to the last line to read “. . . for dwelling units to use up the 35%  
B-30 . . .”. Item B-3 is amended to correct the coversheet recommendation to read: “(RECOMMEND  
APPROVAL AND INSTRUCT THE COUNTY ADMINISTRATIVE OFFICER TO SIGN.)”.  
Item B-30 is added to the Consent Agenda.

**Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and on the following roll call vote:**

**AYES: Supervisors Bianchi, Lenthall, Patterson, Chairperson Achadjian**

**NOES: None**

**ABSENT: Supervisor Ovitt**

**Consent Agenda Items B-1 through B-30 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-30, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Item Set For Hearing:

- B-1 Introduction of ordinance amendments to the Growth Management Ordinance, Title 26 of the County Code to maintain the Countywide growth rate at 2.3% and the Nipomo Mesa Area rate at 1.8%, and set the Cambria growth rate at 0%; All Districts, **Approved as amended and the Clerk is instructed to give notice of hearing date set for May 9, 2006 at 9:00 a.m..**
- B-2 **RESOLUTION NO. 2006-138**, of intention to vacate a portion of Quicksilver Way offer to dedicate and temporary easement, a purported public road in the community of Templeton; 1<sup>st</sup> District, **Adopted and the Clerk is instructed to give notice of hearing date set for May 23, 2006 at 9:00 a.m..**

Administrative Office Items:

- B-3 Contract with Jeff Hamm to serve as County Health Agency Director, **Approved as amended.**
- B-4 **RESOLUTION NO. 2006-139**, accepting the exchange of property tax revenue and annual tax increment of Annexation No. 27 to the Nipomo Community Services District (Holloway), **Adopted.**
- B-5 Recommended responses to findings and recommendation contained in the March 2006 Grand Jury report on County Harbors and to forward the responses to the Presiding Judge of the Superior Court, **Approved.**

Auditor-Controller Items:

- B-6 Submittal of a cash procedure review of the County Treasurer's Office conducted on March 16, 2006, **Received and Filed.**
- B-7 Submittal of an audit report on the Pro Shop concessionaire at Dairy Creek Golf Course for the period of January 1, 2004 through November 30, 2005, **Received and Filed.** (RECOMMEND ITEM BE RECEIVED AND FILED.)
- B-8 Submittal of an audit report on the Pro Shop concessionaire at Morro Bay Golf Course for the period of January 1, 2004 through November 30, 2005, **Approved.**

Clerk-Recorder Items:

- B-9 Budget adjustment in the amount of \$34,500 from restricted revenue and waive the County's formal "Request For Proposal (RFP)" process in order to purchase security cameras for the Clerk-Recorders office, **Approved.**
- B-10 Minutes of the Board of Supervisors meetings of February 7, 14, 28, 2006, **Approved.**



- B-11 Request to destroy Employee Oaths of Affirmation of Allegiance, from January 1, 1999 to December 31, 2000 that are now being maintained on microfilm, **Approved.**
- B-12 Request to approve the destruction of unacceptable bids from the time period covering September 28, 2000 through January 15, 2004, **Approved.**
- B-13 Request to approve the destruction of files regarding claims for damages against the County from January 1 - December 31, 1999 and Assessment Appeal Applications that are 3 years after the final action, **Approved.**
- B-14 Request to approve destruction of County Board of Supervisors Agricultural Preserves and Road files that are now maintained on microfilm, **Approved.**

Health Agency Items:

- B-15 **RESOLUTION NO. 2006-140**, amending the position allocation list for Fund Center 350 – CMSP, by eliminating one quarter time Accountant III position and replacing it with one half-time Accountant III position, **Adopted.**
- B-16 Budget adjustment in the amount of \$19,999 from unanticipated revenue to Fund Center 162 - Drug and Alcohol Services for the “Every 15 Minutes” program at San Luis Obispo and Nipomo High Schools, **Approved.**

Planning and Building Items:

- B-17 **RESOLUTION NO. 2006-141**, approving an avigation easement from Lester E. & Elizabeth A. Lackie, co-trustees under trust dated October 15, 1987, for property located near the Oceano County Airport; 4<sup>th</sup> District, **Adopted.**
- B-18 **RESOLUTION NO. 2006-142**, approving an agreement establishing restrictions and obligations for real property adjusted by Lot Line Adjustment COAL 03-0237, by Jan F. Davis, successor Trustee of the James B. Davis Trust dated June 25, 1984; the project is located on the north east side of the intersection of Highway 1 and Cayucos Creek Road in the community of Cayucos; 2<sup>nd</sup> District, **Adopted.**
- B-19 **RESOLUTION NO. 2006-143**, approving an open-space agreement for Robert Atkins and Sherill Atkins, Trustees of the Atkins Family Trust established October 28, 1999; the project is located at the crest of Prefumo Canyon Road, approximately 6 miles west of the City of San Luis Obispo; 2<sup>nd</sup> District, **Adopted.**

Public Works Items:

- B-20 Amended contract with Pall Corporation for the Lopez Water Treatment Plant’s filtration equipment, San Luis Obispo County Flood Control Zone 3, **Approved**; and **RESOLUTION NO. 2006-144**, granting authority to the Director of Public Works to approve and sign change orders up to a cumulative total of \$100,000; 3<sup>rd</sup> and 4<sup>th</sup> District, **Adopted.**
- B-21 Supplemental agreement (No. 10) for the operation and maintenance of the Salinas River Dam Facility for the period of July 1, 2006 to June 30, 2011; 5<sup>th</sup> District, **Approved.**
- B-22 **RESOLUTION NO. 2006-145**, accepting conveyance to the County from Lena & Bryan Friedman, for the San Luis Bay Drive Bridge Replacement Project; 3<sup>rd</sup> District, **Adopted.**
- B-23 **RESOLUTION NO. 2006-146**, authorizing a grant agreement for \$300,743 in Proposition 50 funding for installation of a granular activated carbon filter at the Cayucos Water Treatment Plant for County Service Area 10; and request to authorize the Director of Public Works to execute a funding agreement with the Department of Water Resources; 2<sup>nd</sup> District, **Adopted.**
- B-24 **RESOLUTION NO. 2006-147**, approving an agreement with Woodlands LLC for accelerated payment of South County Road Improvement Area 1 and 2 fees for the Woodlands Development Project in Nipomo; and approve a corresponding budget adjustment in the amount

of \$2,605,285, to recognize the first installment payment to the Nipomo Area 1 Road Improvement Fee Reserve Account from the Woodlands LLC; 4<sup>th</sup> District, **Adopted.**

B-25 Change order in the amount of \$5,132 for R. Burke Corporation to complete construction of a temporary structure to support utility lines serving County Operational Facilities: General Government – Operations Center – Relocate waterline over Creek (WBS 300077); All Districts, **Approved.**

B-26 The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their Tentative Maps:

A. CO 05-0018, a proposed subdivision resulting in 3 lots, by Randall A. Dennis, Ocean Avenue, Cayucos; 2<sup>nd</sup> District, **Approved.**

B. CO 04-0274, a proposed subdivision resulting in 4 lots, by Donna Evenson, Corbett Canyon Road at Oak Hill Road, northeast of Arroyo Grande; reject the offer of dedication without prejudice to future acceptance; 4<sup>th</sup> District, **Approved.**

Other Items:

B-27 **RESOLUTION NO. 2006-148**, commemorating the 125<sup>th</sup> Anniversary of the Agricultural Commissioner's System in California and the County, **Adopted.**

B-28 **RESOLUTION NO. 2006-149**, proclaiming April 2006 as "Month of the Child" and April 8, 2006 as "Day of The Child" in the County, **Adopted.**

B-29 **RESOLUTION NO. 2006-150**, correcting a legal description in a Quitclaim Deed transferring real property to the Cayucos Land Conservancy as authorized in a resolution dated May 3, 2005, **Adopted.**

**ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)**

B-30 Request by Board Members to allocate \$2,000 (District Two - \$100, District Three - \$500, District Four \$1,400) from Community Project Funds to the Nipomo Area Recreation Association, Inc. for the Annual Kids Day Celebration on April 29, 2006 at Nipomo Park, **Approved.**

7 C-1 This is the time set for hearing (introduced April 11, 2006) to consider adoption of Public Facility Financing Plan for the Unincorporated Area Facilities (Clerk's File) modification of Public Facility Fees to implement the plan and proposed amendments to Title 18 to incorporate recommended changes to the program; All Districts.

**Ms. Pat Beck:** Assistant Director of Planning and Building, presents the staff report; highlights two corrections to the staff report and proposed ordinance; outlines the purpose of the review; addresses where the fees have been spent and highlight the Cayucos, Cambria and Nipomo areas; outlines the major issues including where fees should be applicable, should the fees be based on a flat fee or a square footage fee and should the annual reporting occur with agencies for which the County collects fees; comments on the fire agency concerns whether their fee should be a flat rate or based on square footage for residential development; issues raised by Parks regarding the fees as they relate to them; issues regarding the relationship to the Quimby Park Fees; outlines the program administration changes; outlines the recommendations.

**Mr. Richard Recht:** consultant, addresses what they did to help prepare this document.

**Mr. Jerry Bunin:** Government Affairs - Home Builders, states they are "okay" with the staff report; provides thoughts on how fees should be applied in the future to pay for parks and doesn't really feel "this system works very well."

**Mr. Pandora Nash-Karner:** Parks and Recreation Commissioner representing District 2, highlights what the Public Facilities Fees have assisted in paying for with respect to parks; urges the Board to support the staff recommendations.

**Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and on the following roll call vote:**

**AYES: Supervisors Bianchi, Lenthall, Patterson, Chairperson Achadjian**

**NOES: None**

**ABSENT: Supervisor Ovitt**

**RESOLUTION NO. 2006-151, resolution to amend the Public Facilities Financing Plan for Unincorporated area facilities, all residential and non-residential development and to adopt an ordinance entitled “an ordinance amending Title 18 of the San Luis Obispo County Code, the Public Facilities Fee Ordinance, relative to requirements for fire fees on remodels, additions and alterations that add additional Residential square footage and the payment of Park Fee when Parkland Dedication Fees (Quimby Ordinance) have been previously paid for a parcel,” adopted.**

8 C-1      **Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and on the following roll call vote:**

**AYES: Supervisors Bianchi, Lenthall, Patterson, Chairperson Achadjian**

**NOES: None**

**ABSENT: Supervisor Ovitt**

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3085, an ordinance amending Title 18 of the San Luis Obispo County Code, the Public Facilities Fee Ordinance, relative to requirements for fire fees on remodels, additions and alterations that add additional Residential square footage and the payment of Park Fee when Parkland Dedication Fees (Quimby Ordinance) have been previously paid for a parcel, adopted.**

9 C-2      This is the time set for hearing (Introduced April 11, 2006) to consider amendments to Title 21 (Real Property Division Ordinance) relative to the Quimby Ordinance (Parkland Dedication Ordinance); All Districts. (This item was amended at the beginning of the meeting to replace the last page of the ordinance to reflect that it would into effect 60 not 30 days after the date of adoption.)

**Mr. Pete Jenny:** Parks Manager, presents the staff report and provides a brief background on the creation of the Quimby Ordinance; outlines what the fees can be used for and provides examples of where these fees have been applied; outlines the proposed changes to the ordinance and recommends adoption of the same.

**Mr. Ed Eby:** South County Advisory Council, speaks in support of the changes; addresses his concern to any reduction in fees.

**Thereafter, on motion of Supervisor Patterson, seconded by Supervisor Bianchi and on the following roll call vote:**

**AYES: Supervisors Patterson, Bianchi, Lenthall, Chairperson Achadjian**

**NOES: None**

**ABSENT: Supervisor Ovitt**

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3086, an ordinance amending Title 21 of the San Luis Obispo County Code, the Real Property Division Ordinance, Chapter 21.09 relative to the Quimby Ordinance (Parkland Dedication Ordinance), adopted.**

10 CS      The Board announces it will be going into Closed Session regarding:

**I. PENDING LITIGATION (Gov. Code, §54956.9.)** It is the intention of the Board to meet in Closed Session concerning the following items:

**A. Conference with Legal Counsel - Existing Litigation (Gov. Code, § 54956.9(a).)(Formally initiated) (1) Los Osos CSD v. Golden State Water Company and (2) Almond Heights, LLC v. County of SLO.**

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.)** (3) *Significant exposure to litigation (Gov. Code, §54956.9(b).)* No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (4) *Initiation of litigation (Gov. Code §54956.9(c).)* No. of cases 2.

**II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code §54957.6.)** It is the intention of the Board to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: (5) Negotiators Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*. (6) Negotiators Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCEA Trades and Crafts*. (7) Negotiators Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOPPOA*.

**Chairperson Achadjian:** opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required because no final action was taken and the Board goes into Open Public Session.

11 C-3 This is the time set for hearing to consider an appeal by Yvonne Reiter-Brown of the Anderson Minor Use Permit/Coastal Development Permit (DRC-2005-00002) to construct an approximately 4800 square foot residence at the end of Starr Court, near the intersection of Bayview Heights Drive and Valley View Lane in the community of Los Osos; 2<sup>nd</sup> District.

**Mr. Matt Janssen:** Environmental Specialist/Planning, indicates the Applicant is requesting a continuance.

**No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall, with Supervisor Ovitt being absent, motion carries and the Board continues said hearing to June 27, 2006 at 9:00 a.m..**

12 C-4 This is the time set for hearing to consider an appeal by Donald Halsey and Carol Anne Doty of the Planning Department Hearing Officer’s decision to conditionally approve their Lot Line Adjustment request (COAL05-0283) to adjust the lines between two existing parcels of 5.3 acres and 1.5 acres each; the project is located at 2829-2875 Kip Lane and 942 Message View Drive in the village of Palo Mesa; 4<sup>th</sup> District.

**Mr. Michael Conger:** Planning, presents the staff report and recommends denial of the appeal.

**Mr. John Belsher:** attorney representing Appellant, presents information as to why the appeal should be upheld; outlines the changes in the conditions they are willing to do to get this approved and believes with these changes the Board can uphold their appeal.

**Mr. Robert Lewin:** CDF/County Fire responds to questions, by the Board, regarding the need for a 30 foot clear area for any development.

**Ms. Kami Griffin:** Planning, speaks to additional language to address the concerns by County Fire.

**Matter is fully discussed and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Bianchi and on the following roll call vote:**

**AYES:** Supervisors Lenthall, Bianchi, Patterson, Chairperson Achadjian  
**NOES:** None  
**ABSENT:** Supervisor Ovitt

t he Board upholds the appeal and amends the conditions as follows: Condition #6, the following sentence is added to the end of the paragraph to read: “Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.”; Condition #10 is amended to read: “Prior to the effectuation of the Lot Line Adjustment, the residential density on Parcel B shall be modified such that the number of residential units on Parcel B shall be reduced to four by the removal of the mobile home and shed adjacent to the primary residence.”; Condition

Nos. 11 and 12 are deleted. Condition #16 is added to read: “The applicants shall record a permanent easement along the southerly property line of Parcel A, in a form acceptable to County Counsel, that would provide a 30-foot no build area (clear area for defensible space) meeting CDF requirements to the structures along the northern property line of Parcel 1 of COAL 05-0283.”; and, RESOLUTION. NO. 2006-152, resolution affirming the decision of the Director of Planning and Building and conditionally approving the application of Donald Halsey and Carol Anne Doty for Lot Line Adjustment COAL05-0283, adopted as amended.

13 C-5

This is the time set for hearing to consider activities for funding under 2006 Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME), Emergency Shelter Grant (ESG), and American Dream Downpayment Initiative (ADDI) Programs and approve the Urban County of San Luis Obispo Program Year 2006 Action Plan of the San Luis Obispo County Consolidated Plan; and approve proposed amendments to the 1996, 1997, 1998, 1999, 2003, 2004 and 2005 Action Plans; All Districts.

**Mr. Tony Navarro:** Planning, presents the staff report, outlines the available funding; comments on the allocations by jurisdiction; addresses the County projects recommended for funding; presents the recommendations.

**Ms. Raye Fleming:** EOC Health Services, thanks the County for their support for the remodel of their South County Clinic and outlines how this will help in providing services.

**Mr. Ed Gallagher:** City of Paso Robles, speaks in support of funding for their senior housing project.

**Mr. Chris Cameron:** Director of Camp Ocean Pines in Cambria, thanks all for the support for improvements for an ADA access trail to increase their ability to serve the public.

**Ms. Rosemarie Arnold:** Director of the South Bay Community Center in Los Osos, thanks all for the grant to upgrade their building to ADA standards.

**Ms. Jody Smith:** EOC - Homeless Services, addresses the use of the shelter on Prado Road last year and thanks the County for their support; addresses the minor home repair program they provide.

**Mr. John Dunn:** Acting City Manager for the City of Grover Beach, thanks the County for their support of low and affordable housing.

**Mr. Mitch Cooney:** representing the Oceano Community Services District, thanks the Board for their support of funds to repair sewer lines in Oceano caused by the San Simeon earthquake.

**Ms. Pearl Munak:** addresses the Motel Voucher Program and the shortfall in the same.

**Ms. Peggy Fowler:** EOC Homeless Services, appreciates the funding for the various programs they offer.

**Mr. Jesse Arnold:** thanks the Board for their support of all the homeless programs; addresses his concern to the cuts in funding for these types of programs.

**Ms. Sheryl Flores:** People’s Self-Help Housing, thanks the County for their funding support.

**Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and on the following roll call vote:**

**AYES:** Supervisors Bianchi, Lenthall, Patterson, Chairperson Achadjian

**NOES:** None

**ABSENT:** Supervisor Ovitt

**the Board approves the activities and CDBG, HOME, ESG and ADDI funding levels as shown in Exhibit A of the staff report dated April 25, 2006 and RESOLUTION NO. 2006-153, resolution approving and authorizing submittal of the Urban County of San Luis Obispo Program Year 2006 Action Plan of the County of San Luis Obispo 2005 Consolidated Plan for the Community Development Block Grant (CDBG), Home**

**Investment Partnership Act (HOME), Emergency Shelter Grants (ESG), and the American Dream Downpayment Initiative (ADDI) Programs and Proposed amendment to the 1996, 1997, 1998, 1999, 2003, 2004 and 2005 Action Plans, adopted. Further, the Board authorizes the Director of Planning and Building Department to execute any agreements necessary for implementation of the approved activities.**

14 C-6

This is the time set for hearing to consider a resolution establishing Road Improvement Fees for all development within the easterly portion of San Miguel and receive the San Miguel Traffic Circulation Study; 1<sup>st</sup> District.

**Mr. Frank Honeycutt:** Public Works, presents the staff report; outlines the reasons for the study; highlights the active applications in this area; addresses how the road fees are established; comments on two proposed projects in San Miguel; highlights the staff recommendation.

**No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and on the following roll call vote:**

**AYES: Supervisors Bianchi, Lenthall, Patterson, Chairperson Achadjian**

**NOES: None**

**ABSENT: Supervisor Ovitt**

**the Board received and adopts the report title “San Miguel Traffic Circulation Study” as presented in the staff report dated April 25, 2006 and RESOLUTION NO. 2006-154, resolution of the Board of Supervisors of the County of San Luis Obispo establishing the Road Improvement Fee for all developments within the easterly portion of San Miguel of the County of San Luis Obispo County, adopted.**

15 D-1

This is the time set for discussion regarding the Grand Jury 2006 Report on the San Luis Obispo County Planning Commission.

**Mr. David Edge:** County Administrative Officer, presents the staff report; indicates there will not be anyone from the Grand Jury here today as they are precluded from discussing their investigation; summarizes what the report includes and the focus of staff’s response; comments on the various issues raised by the Grand Jury and the focus on conflict issues, while not specifically named, Planning Commissioner Sarah Christie.

**Supervisor Bianchi:** her concerns to language on page D-1-7, Finding #2; page D-1-4, #3 and believes applying is a privilege not a right, with Mr. Vic Holanda, Director of Planning and Building responding.

**Supervisor Patterson:** addresses the Grand Jury Report and comments regarding: the Commission rules being vague, insufficient and often irrelevant and being in need of updating; whether the Commission is Advisory or Legislative; the “editorial” by the Grand Jury foreman on how they function and how they go to the department to have them review their report before it’s released.

**Mr. Holanda:** responds indicating the Planning Commission held an all day retreat and outlines what that included; addresses what staff does to assist the Commission so they can make a decision on a project/issue; he disagrees that the rules are vague and outlines what those rules entail; indicates this is a “decision” making body; and he does see the report before it’s released and indicates his limited purview in that review.

**Supervisor Patterson:** questions County Counsel as to their review of the report prior to its release, with Mr. James Lindholm, County Counsel, responding as to their limited purview.

**Mr. David Broadwater:** indicates he feels this is a biased report by the Grand Jury against Sarah Christie and he supports the staff recommendations.

**Ms. Henriette Groot:** comments on “marathon” Planning Commission meetings she has attended and feels they do a good job; questions the “agenda” for the Grand Jury.

**Mr. Brian Brown:** suggests the “most corrupt agencies” are Planning Commissions and suggests if they added two more members there would be more fair decisions made.

**Mr. Allan Brown:** feels there are Planning Commissioner's that are trying to create "legacies" for themselves and that a seven member Board makes sense.

**Mr. Brian Coder:** presents written information and highlights the same specifically addressing his belief of personal bias by Commissioner Bruce Gibson; believes the Grand Jury report was right on the mark.

**Mr. Michael Deveau:** addresses the report and his problems with one of the Commissioner's when he needed extensions and they added conditions to that.

**Mr. Eric Greening:** speaks in support of the staff response; addresses the various comments made regarding Commissioner Christie.

**Mr. Ed Eby:** states he is speaking as a private individual and is "appalled" by the Grand Jury report; outlines inaccuracies in the report regarding the Nipomo item; urges the Board to adopt the staff recommendation.

**Mr. Bruce Gibson:** states he is the 2nd District Planning Commissioner, addresses his concern to the report and agrees with the staff recommendation; asks that the Board further direct the Grand Jury to go back and redo this report and provide a "fair and professional evaluation."

**Ms. Sue Harvey:** states she is upset by the report the Grand Jury did and believes there was a lack of thorough review by them before completing their report.

**Ms. Jane Swanson:** Mother's for Peace, questions why the Grand Jury didn't look at the 2004 Planning Commission decision on Diablo; supports staff recommendation.

**Mr. Jesse Arnold:** addresses the report by the Grand Jury.

**Ms. June Rodriguez:** states she was on the 1991/92 Grand Jury and comments on her experiences.

**Ms. Sarah Christie:** thanks the Board for allowing a hearing on this report; and thanks staff for their response; questions various aspects of the Grand Jury including: why a subcommittee is confidential but not the entire membership; whether people who are interviewed by the Grand Jury can talk after a report is completed; whether Grand Jury members can be recalled.

**Chairperson Achadjian:** states he had a request from Bill Denneen to speak but he had to leave.

**Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and on the following roll call vote:**

**AYES:** Supervisors Bianchi, Lenthall, Patterson, Chairperson Achadjian

**NOES:** None

**ABSENT:** Supervisor Ovitt

**the Board agrees to continue the meeting past 5:00 p.m..**

**Supervisor Bianchi:** questions various aspects of the Grand Jury functions; indicates she served on the Grand Jury in 1984/85; supports the staff recommendations.

**Supervisor Patterson:** comments on the Grand Jury indicating he previously held them in high esteem; feels the report should be redone and he would like an additional report; presents letters for the record from Susan Hansch, California Coastal Commission, dated 1/10/05, letter from Charles Lester, California Coastal Commission, dated 4/20/06 and letter from Sarah Christie dated April 19, 2006.

**Supervisor Lenthall:** addresses the report and his interaction with his Planning Commissioner on issues.

**Chairperson Achadjian:** states that all the Planning Commissioner's do a good job.

**Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall, with**

**Supervisor Ovitt being absent, motion carries and the Board accepts the staff's Draft Responses to the Grand Jury Report 2006.**

**Board Members:** discuss the matter further and direct staff to request that the incoming Grand Jury re-review this matter and provide a fresh report on this matter; copies of the minutes, documentation submitted today and the staff report be sent to the Grand Jury, and Presiding Judge.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, April 25, 2006, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L. RODEWALD**, County Clerk-Recorder  
and Ex-Officio Clerk of the Board of Supervisors

By: /s/Vicki M. Shelby,  
Deputy Clerk-Recorder

DATED: May 19, 2006  
vms



# Response to Grand Jury Report 2006

Re: County Planning Commission  
Prepared by Planning and Building Department  
April 5, 2006

FINDINGS	RESPONSE
1. <i>Although each Planning Commission member is appointed by, and serves the Board of Supervisors as a whole, each individual Commissioner is, presumably, most aware of and most closely involved in, issues regarding the district represented by the Supervisor who nominated the individual member. Therefore, that member is the person most likely to be representative of the consensus of the majority of their district.</i>	<ul style="list-style-type: none"> <li>⊞ This "Finding" appears to be an opinion because the author "presumes" or infers that a Commissioner in fact "represents" a majority of opinions or beliefs in a specific supervisorial district.</li> <li>⊞ Even though each commissioner is appointed from the district they live in, they should still strive to represent the interests of the whole county to the best of their ability. Even though they may be most knowledgeable about their own district, they should also be committed to making informed and effective decisions affecting the other districts as well.</li> <li>⊞ The Commission's Rules of Procedures were reviewed at the Planning Commission retreat last January for minor procedural changes and will be re-examined at the next annual Planning Commission training session for further possible revisions.</li> </ul>
2. <i>Under the present five-member structure of the Planning Commission it is possible, when only three Commissioners are present at a meeting, for two Commissioners to rule by simple majority vote in a manner contrary to the will of the majority of the Commissioners were all five Commissioners present. This creates the opportunity for personal agenda to rule where fairness might otherwise dictate a different outcome.</i>	<ul style="list-style-type: none"> <li>⊞ Yes, whenever only three commissioners are present, it is "possible" for two commissioners to "rule by simple majority vote," but only for "quasi-judicial" decisions on development projects subject to approval of land use permits and subdivisions.</li> <li>⊞ State law requires that Commission decisions on legislative matters such as general plan and ordinance amendments, specific plans or countywide policy documents require a majority vote of a full membership, meaning at least three affirmative votes are required for motions on these decisions.</li> <li>⊞ What motivates an individual commissioner prior to voting on a particular item is a dilemma that is resolved by that commissioner. Whether the commissioner chooses to sustain a particular position or oppose it, remains an individual choice. There are at times "grey areas" involved in discretionary applications, which is why at times a "debate" and differences of opinion occur between the commissioners.</li> <li>⊞ The Planning Commission and commissioners are a valuable resource in realizing the importance of partnerships with our communities. The numerous hours devoted by commissioners during public hearings not only enhances the long term goals of the county, but also increases citizen involvement in the future of the County.</li> </ul>
3. <i>An applicant for a discretionary permit has a reasonable expectation (albeit not a guarantee) that the requested permit shall be granted when all the County's published and stated requirements for that permit have been fulfilled and the Planning Department staff has recommended that the permit be issued.</i>	<ul style="list-style-type: none"> <li>⊞ This is a reasonable assumption but probably an unrealistic expectation of a majority of applicants. Actions on these permits are at the discretion of the Commission based on testimony received at public hearings in addition to staff recommendations and ordinance requirements.</li> <li>⊞ Balancing all of these factors could lead the commission to a different conclusion on a particular project depending on how they weigh all of the information they must consider.</li> <li>⊞ Although a vast majority of discretionary permits applicants assume there are certain implied rights to obtain "permits" for development, California courts have held that acquiring permits for development of property is not a "right", but instead a "privilege".</li> </ul>
4. <i>Conflicts of interest, or at least the appearance of a conflict, can arise when Commissioners are asked to decide issues where the best interest of the County, and its citizens, may conflict with the interest, intent, or desires of a Commissioner's employer. This is especially true where the Commissioner's employer can exercise regulatory authority in the County over issues coming before the county's Planning Commission.</i>	<ul style="list-style-type: none"> <li>⊞ The Planning and Building Department is not responsible for enforcing the state laws pertaining to the Planning Commission's potential for conflicts of interest. Rather, that is the sole and direct responsibility of each individual commissioner.</li> <li>⊞ Additional training of permit process, CEQA (California Environmental Quality Act) process, Discretionary permits, General Plan policies, Board "policies", Conflicts of Interest, Meeting procedures, and general expectations of public and applicants, etc. are topics that could be covered in future Planning Commission training sessions.</li> </ul>

RECOMMENDATIONS	RESPONSE
1. <i>The Board of Supervisors should require that the</i>	⊞ While the Board of Supervisors will have to evaluate the pros and cons of this particular

<p><i>Planning Commission make every reasonable effort to consider the opinion of the Commissioner in whose district a project is located when deciding an issue regarding that project in that Commissioner's absence. (Finding #1)</i></p>	<p>recommended requirement, the individual commissioners should strive to understand and represent the interests of the whole county, not just their own district.</p> <ul style="list-style-type: none"> <li>☐ There has been some discussion whether or not a commissioner “represents” a particular supervisor’s district versus being a commissioner for the whole county.</li> </ul>
<p><i>2. The Board of Supervisors should increase membership on the Planning Commission to seven members from the current five members. The two additional members should be appointed at large from the county. A <u>unanimous</u> vote of the entire Board of Supervisors should be required for each at large appointee. A quorum of the Planning Commission shall then be not less than four members. Binding votes of the Planning Commission must be by a majority of the eligible voting members. (Finding #2)</i></p>	<ul style="list-style-type: none"> <li>☐ The Board of Supervisors will have to make a determination relative to the cost/benefit and subsequent cost/effectiveness of having additional commissioners.</li> <li>☐ Enlarging the size of the commission would not necessarily reduce the potential for divided opinions and split decisions and would likely lead to even longer deliberations than occur now.</li> <li>☐ Although the intent of the recommendation appears to be having a fair and balanced review, the absence of commissioners – on a seven commissioner commission -- could still create a void in the decision-making process and still be subject to criticism.</li> </ul>
<p><i>3. The Board of Supervisors should implement the following rules regarding Planning Commission decisions:</i></p> <p><i>In a case where the Planning Commission votes to deny issuance of a discretionary permit and the applicant has met <u>each</u> of the following three conditions:</i></p> <ul style="list-style-type: none"> <li>☐ <i>The applicant has met each of the requirements and conditions of the County as set forth by the Planning Department staff for issuance of the permits(s) during the review process <u>and</u>.</i></li> <li>☐ <i>The applicant has complied with all published rules, regulations, and ordinances required for issuance of the permit(s) and,</i></li> <li>☐ <i>The County Planning Department staff has recommended that the permit(s) be granted.</i></li> </ul> <p><i>If the applicant then appeals the denial to the Board of Supervisors, the current rules should be changed to reflect the following conditions:</i></p> <ul style="list-style-type: none"> <li>☐ <i>No charge should be levied for the applicant’s appeal.</i></li> <li>☐ <i>The Director of the Planning Department as an “interested person adversely affected,” (as defined in section 66452.5, subdivision (d) of the California Government Code) may file the appeal with the Board of Supervisors to overturn the Planning Commission’s decision. (See also Attorney General’s Opinion No. 88-803 -- December 1, 1998).</i></li> <li>☐ <i>The Planning Department shall not be required to prepare new findings to support the Commission’s position in denying the application and the Board of Supervisors shall review the decision based on the original findings and the stated reasons for denial by the Commission.</i></li> </ul> <p><i>These rules should have effect only where the above three conditions has been met. To be binding the vote of the Board of Supervisors must be by a majority of eligible voting members. (Finding #3)</i></p>	<ul style="list-style-type: none"> <li>☐ The Board of Supervisors will have to make a determination relative to modifying how the Commission conducts business. The nuances of these recommendations need to be evaluated on whether or not procedural due process is maintained.</li> <li>☐ These conditions don’t take into account the importance of testimony received at public hearings and the obligation of the commission to duly consider when making their decisions. (Staff is not always right!)</li> </ul> <ul style="list-style-type: none"> <li>☐ The Board of Supervisors will have to determine whether or not to waive fees. This will have a fiscal impact on the department’s budget. The current appeal fee only recovers a small portion of the actual cost of processing an appeal.</li> <li>☐ Section 66452.5 Ca. Gov. Code already in effect gives the Director this authority.</li> <li>☐ The department should present the commission’s position to the Board in addition to explaining the basis for the original staff recommendation.</li> </ul> <ul style="list-style-type: none"> <li>☐ County Counsel should probably review and render an opinion on this suggestion.</li> </ul>

<p>4. To avoid the appearance of conflicts of interest, and to assure the Commission puts the interest of the citizens of San Luis Obispo County first, the Board of Supervisors should implement the following rule:</p> <p><i>When a Commissioner is confronted with an issue before the Planning Commission which same issue is subject to authority, or direct interest of the Commissioner's employer, or in which that Commissioner could otherwise have a personal interest, that Commissioner must refrain from participating in the discussions and deliberations concerning that issue and must not cast a vote on any question concerning that issue. Nor should Recommendation #1 above be operative in this instance. (Finding #4)</i></p>	<ul style="list-style-type: none"> <li>☐ The Board of Supervisors will have to make a determination on how the current Planning Commission procedures are being administered.</li> <li>☐ The term “personal” interest will need to be defined and clarified as state law addresses avoidance of conflicts affecting an individual’s financial interests and does not refer to other types of possible interests.</li> <li>☐ Review Conflict of Interest Code with Commission at annual Planning Commission Training can be accomplished.</li> <li>☐ Planning Commissioners should officially disclose ex parte communication prior to hearing items as required by their current Rules of Procedure.</li> </ul>
<p>5. The Board of Supervisors should implement the following rule regarding Planning Commission members:</p> <p><i>Each Commissioner should be required to sign a “Conflict of Interest Statement” which would operate to prevent conflicts of interest of an economic nature, conflicts resulting from incompatible offices, or the appearance thereof. The Statement should reference the FPPC Form 700 disclosure of economic interests of the Commissioner and should state who the Commissioner's employer is as well as any other economic interests relevant to a potential conflict. This Statement should be in addition to the requirements for filing of Form 700. The Commissioner should agree in the Statement to refrain from participating in any issue before the Commission in which either they or their employer has an interest. Violation of the terms of the Statement should be grounds for immediate discharge from the Planning Commission. (See Appendix ‘A’ for a discussion and reference to the California Government Code regarding this Recommendation.) (Finding #4)</i></p>	<ul style="list-style-type: none"> <li>☐ The County of San Luis Obispo has adopted a Conflict-Of-Interest Code/Procedures and has designated those individuals who are required to file Form 700 with the Fair Political Practice Commission.</li> <li>☐ The Planning Commissioners are required by the county’s code to file a Form 700 annually in accordance with state law on conflicts of interest and they have done so.</li> </ul>



COUNTY OF SAN LUIS OBISPO  
***PROBATION DEPARTMENT***

County Government Center Room 400, San Luis Obispo, CA 93408

(805) 781-5300 FAX: (805) 781-1231

*Kim Barrett, Chief Probation Officer*

*Myron Nalepa, Assistant Chief Probation Officer*

To: **VINCE MORICI, ADMINISTRATIVE ANALYST**

From: **KIM BARRETT, PROBATION**

Date: **JUNE 19, 2006**

Subject: **RESPONSE TO GRAND JURY REPORT ON RESTRAINING ORDERS  
"PAPER THIN PROTECTION"**

Attached are the requested responses to **FINDINGS – #5 AND RECOMMENDATIONS #5**

**FINDINGS:**

- #5. According to information provided to the Grand Jury, participants in counseling groups may go for several weeks without attending meetings before the Probation Department is notified. If a probationer fails to comply with the mandated number of sessions, he is returned to court for violation of probation, and an arrest warrant may be requested.

**RESPONSE: WE DISAGREE PARTIALLY WITH THE FINDING.** Pursuant to Penal Code Section 1203.097 probationers ordered to attend Domestic Violence group can be excused for no more than three sessions during the program. The treatment Providers are very good about notifying the Probation Officer, at least verbally, thus Probation is notified immediately if a participant misses more than three sessions without an excused absence. It takes time to obtain the documentation necessary and return the individual to court. The Probation Department has made it very clear to our treatment providers that the Probation Officer must be notified if there is a problem with a Probationer in group, or if they are missing group. In addition Probation Officers participate in a meeting with treatment providers monthly where we address any problems/issues and make any necessary adjustments to ensure we are meeting the mandate of the law and best practices in relation to their treatment. Any exceptions that we discover we address immediately. Yes, if a Probationer fails to comply they are either returned to group or returned to court, in or out of custody. If we are unable to find the Probationer a warrant is requested as a practice of due diligence.

**RECOMMENDATIONS:**

5. Batterers with stay-away orders from Family Court should be required to undergo a formal assessment prior to family reunification.
6. **RESPONSE: HAS NOT YET BEEN IMPLEMENTED. The Probation Department has no involvement with Family Court. Family Court is run by the Superior Court with the assistance of Family Court Services. The Probation Department does think this is a very good idea.**

July 14, 2006

The Honorable Roger Picquet  
Presiding Judge of the Superior Court  
County Government Center  
San Luis Obispo, California 93408

**RESPONSE TO 2005-2006 GRAND JURY REPORT - SAN LUIS OBISPO  
RESTRAINING ORDERS: PAPER THIN PROTECTION**

Dear Judge Picquet:

I have reviewed the 2005-2006 Grand Jury Report entitled *Restraining Orders: Paper Thin Protection*. My response to their findings and recommendations are as follows:

Finding 1

*Victims of domestic violence are often not well informed about resources and community support available to them. They are also reluctant to report incidents of abuse for fear of escalating violence, embarrassment, and/or possible separation from their children.*

The Sheriff's Department agrees with this finding.

Finding 3

*"Arrests for domestic violence by law enforcement is inconsistent across law enforcement agencies".*

The Sheriff's Department agrees with this finding, however notes that the varying number of documented domestic violence calls and the number of domestic violence arrests per 1,000 population of each of the studied jurisdictions fall into a general range which seems to be within the same range as those reported by law enforcement agencies throughout the state of California.

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July 14, 2006

Recommendation 2

*Domestic violence training for law enforcement officers, dispatchers and first responders is readily available and needs to be considered an essential element in their training. (Finding 3)"*

The recommendation has been implemented. The department already considers domestic violence training as an essential element.

### Recommendation 3

*ATraining for law enforcement officers should include a heightened awareness of the need for EPO's, where appropriate, in handling incidences of domestic violence. (Appendix E). When issuing EPO's, law enforcement should distribute bilingual brochures describing the steps to be taken to ensure the safety of each party present at the scene. (Findings 1 & 3)"*

While the respondent agrees, the recommendation requires further analysis. The department will review its' domestic violence training curriculum as well as current and future POST training videos on the subject and determine if additional instruction on EPO's is needed to implement this recommendation within the next six months. The department will also collaborate with other agencies within the San Luis Obispo County Criminal Justice Administrator's Association and determine if bilingual brochures for victims of domestic violence are needed and if so develop and distribute them as necessary within the next six month period.

### Recommendation 4

*ALaw enforcement officers should make every effort to insure that batterers surrender their firearms in accordance with federal and state law".*

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July 14, 2006

The recommendation has been implemented by the department. Deputy sheriffs are diligent in investigating whether firearms are present in the home, or accessible to or owned by domestic violence offenders and in seizing same pursuant to law.

Sincerely,

Patrick Hedges  
Sheriff-Coroner

**DATE: JUNE 29, 2006**

**TO: LESLIE BROWN, ADMINISTRATIVE ANALYST**

**FROM: KAMI GRIFFIN, SUPERVISING PLANNER**

**VIA: VICTOR HOLANDA, DIRECTOR, PLANNING AND BUILDING**

**SUBJECT: RESPONSE TO GRAND JURY REPORT ON THE COUNTYWIDE TRANSFER OF DEVELOPMENT CREDIT (TDC) PROGRAM**

In response to your June 9, 2006, Memo to Vic Holanda, please find attached the Department's response to all Findings and Recommendations in the Grand Jury Report entitled "**Transfer of Development Credits**". Please feel free to contact me if you have any specific questions regarding the department's responses. When you've had a chance to review the department's responses, we assume you'll let us know when we can send the "Formal" response to the presiding judge.

**Response by the Department of Planning and Building  
to the Grand Jury Report of June 2006  
on the Countywide Transfer of Development Credit (TDC) Program**



## **FINDINGS**

G.J. FINDING 1. The goal of the TDC program is to relocate potential development away from agricultural and environmentally sensitive land and to retire antiquated subdivisions. The relocation is to be close to urban areas where public services would be readily available.

*RESPONSE: The Planning and Building Department agrees with this finding. (see Exhibit A attached excerpts from Framework for Planning and the Land Use Ordinance).*

G.J. FINDING 2. The TDC program is essentially market-driven. However, developers can find suitable land for development within the urban reserve line or by requesting an amendment to the county's General Plan without having to purchase development credits from a sender site. Until most land within the urban reserve line is developed, there is little or no incentive to purchase credits.

*RESPONSE: The Planning and Building Department agrees with this finding.*

G.J. FINDING 3. SLO County land is essentially zoned into three categories: urban, agricultural or rural. Land may be zoned agricultural regardless of its actual agricultural value or the Soil Conservation Service land capability grouping.

*RESPONSE: The Planning and Building Department agrees with this finding. Land is designated with the Agriculture land use category based on the purpose and character statements set forth in Framework for Planning - Part I of the Land Use Element of the County General Plan (see Exhibit B attached purpose and character statements).*

G.J. FINDING 4. SLO County is covered with antiquated subdivisions that can be developed with less compliance to prevailing county environmental regulations and development standards. Most of the antiquated subdivisions are located on agricultural land.

*RESPONSE: The Planning and Building Department agrees with this finding.*

G.J. FINDING 5. A ranch in the northern portion of San Luis Obispo County was the pilot TDC sender site with over 5,000 acres preserved. Even though other properties qualified as sender sites, for all practical purposes this ranch remains the most significant sender site.

*RESPONSE: The Planning and Building Department agrees with this finding. There are seven approved Sending Site Applications. Of these seven, three Sending Sites have recorded*

*conservation easements and have credits available for sale. 5,463.95 acres have been preserved in conservation easements in perpetuity. The largest of these is the Bonnheim Ranch at 7,200 acres. 5,364 acres have been preserved in perpetuity in conservation easement. There are 1,836 acres left to be preserved.*

G.J. FINDING 6. In a May 27, 2004 memorandum to the county Principal Planner, the SLO County Agricultural Commissioner recommended that all land within the Agriculture Land Use category not be eligible as TDC receiver sites.

*RESPONSE: The Planning and Building Department agrees with this finding. On November 22, 2005, the Board of Supervisors directed staff to prepare amendments to the TDC program, including changing the eligibility criteria for receiver sites by removing all lands within the Agriculture land use. On June 22, 2006, the Planning Commission held a public hearing on these amendments and recommended to the Board of Supervisors approval of that portion of the amendment. The Board of Supervisors is tentatively scheduled to hear the Planning Commission's recommendation on August 22, 2006.*

G.J. FINDING 7. Using input from citizens and area advisory groups, the SLO County Planning Commission developed a set of specific recommendations, the strongest of which was to discontinue use of the TDC program, except for the community based programs and TDC sites that have been, or may be, established as part of the General Plan update.

*RESPONSE: The Planning and Building Department agrees with this finding. The staff response to the issues raised in the letter from the Planning Commission were heard by the Board on October 4, 2006.*

G.J. FINDING 8. In response to the Planning Commission's recommendations, the SLO County Department of Planning and Building proposed:

- County staff reevaluate the method used to determine the number of sender credits,
- County staff reevaluate the allowed uses in the conservation easements and the requirements for conservation easement management,
- the Board of Supervisors amend the current policy of allowing receiver sites in agricultural areas to disallow agricultural land being considered as a receiver site and,
- County staff prepare amendments to the TDC program to encourage growth in urban areas where existing public services can effectively serve the additional density.

*RESPONSE: The Planning and Building Department agrees with this finding. The staff response to the issues raised in the letter from the Planning Commission were heard by the Board on October 4, 2006.*

G.J. FINDING 9.       The Board of Supervisors agreed to form the TDC Blue Ribbon Committee, a broad-based committee, to review the TDC program.

*RESPONSE: The Planning and Building Department agrees with this finding. Planning and Building Department recommendations for membership on the Blue Ribbon Committee will be heard by the Board on July 25, 2006.*

## **RECOMMENDATIONS**

G.J. RECOMMENDATION 1.       The TDC program should continue, providing the recommendations in this report are implemented.

*RESPONSE: Modification to the TDC Program requires the Board of Supervisor to provide direction as to the content of the amendments and authorization of the processing of those amendments.*

G.J. RECOMMENDATION 2.       The Board of Supervisors should develop an incentive program to attract both sender and receiver sites.

*RESPONSE: Modification to the TDC Program requires the Board of Supervisor to provide direction as to the content of the amendments and authorization of the processing of those amendments.*

G.J. RECOMMENDATION 3.       Sender sites should not receive TDCs for land that has no agricultural value.

*RESPONSE: Subject to the final review and determination by the Board of Supervisors, the Planning and Building Department does not intend to implement this recommendation because the goal of the voluntary TDC Program is to relocate development from environmentally sensitive land, land with agricultural capability, or antiquated subdivisions to more suitable areas. Environmentally sensitive land or land located within antiquated subdivisions can qualify as sending sites and do forward the goals of the program. This same land also may have no agricultural value. Therefore staff does not agree with the recommendation that Sending Sites should not receive transfer of development credits for land that has no agricultural value.*

G.J. RECOMMENDATION 4.       Receiver sites should be located in proximity to available public services.

*RESPONSE: Modification to the TDC Program requires the Board of Supervisor to provide direction as to the content of the amendments and authorization of the processing of those amendments.*

## EXHIBIT A

### EXCERPTS FROM FRAMEWORK FOR PLANNING AND LAND USE ORDINANCE

***Excerpt From Framework for Planning:*** Consistent with the applicable goals in Chapter 1 of this element, the voluntary TDC Program will relocate development from environmentally sensitive land, land with agricultural capability, or antiquated subdivisions to more suitable areas.

There are a number of objectives the voluntary TDC Program seeks to accomplish. The primary purpose is to promote appropriate settlement patterns while maintaining an overall level of development within the capacities of transportation and other public service systems. As a voluntary countywide program it endeavors to: protect both land with agricultural capability and the business of agriculture itself; reduce development potential within land divisions or other areas that do not have adequate services for residents; protect important or extraordinary natural areas, habitats or cultural resources; reduce development potential in areas that may have the potential for landslides, fires, or other hazards; and reduce air quality impacts associated with locating residential development distant from jobs, schools, shopping and recreation.

***Excerpt From Land Use Ordinance: Purpose and intent.*** The provisions of this Chapter implement the voluntary Transfer of Development Credits Program (TDC) established by the Land Use Element for all applications received by the Department after October 5, 1999, by providing a procedure to allow the voluntary transfer of development credits from one parcel of land to another. Consistent with applicable Land Use Element goals, policies and programs, the objective of this section is to relocate development from environmentally sensitive land, land with agricultural capability or antiquated subdivisions, to more suitable areas. This program is ***voluntary, incentive-based, and market-driven between willing sellers and buyers***. Landowners are ***not obligated*** to use this technique to request an amendment to the general plan or subdivide property in conformance with Chapter 22.22.

## **EXHIBIT B**

### **AGRICULTURE - PURPOSE AND CHARACTER STATEMENTS**

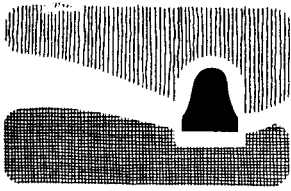
#### **Purpose**

- a. To recognize and retain commercial agriculture as a desirable land use and as a major segment of the county's economic base.
- b. To designate areas where agriculture is the primary land use with all other uses being secondary, in direct support of agriculture.
- c. To designate areas where a combination of soil types, topography, water supply, existing parcel sizes and good management practices will result in the protection of agricultural land for agricultural uses, including the production of food and fiber.
- d. To designate areas where rural residential uses that are not related to agriculture would find agricultural activities a nuisance, or be incompatible.
- e. To protect the agricultural basis of the county economy and encourage the open space values of agriculture to continue agricultural uses, including the production of food and fiber.
- f. To recognize that agricultural activities on a small scale can supplement income from other sources, particularly where older subdivisions have resulted in parcels smaller than would currently qualify for new subdivisions within the parcel size range for the Agriculture category.
- g. Support conversion of agricultural lands to other uses only when such conversion would be appropriate or because the continuing agricultural productivity of a specific site is infeasible, considering the factors in purpose statement C, above.
- h. To give high priority to the protection of commercial prime and nonprime agricultural soils where the commercial viability, siting (whether inside or outside urban reserve lines), and natural resources allow for agricultural uses, including the production of food and fiber.

#### **Character**

- a. Areas of prime agricultural soils, and other productive and potentially productive lands located inside and outside of urban and village reserve lines where land use conflicts with other adjacent uses can be mitigated.
- b. Areas for agricultural processing and its support services.
- c. Areas where the residential uses allowed are for property owners or employees actively engaged in agricultural production on the same property.
- d. All lands previously designated as agricultural preserve, whether or not under contract, according to the adopted agricultural preserve rules of procedure.
- e. Lands that may be eligible for agricultural preserve if the rules of procedure are satisfied.
- f. Areas where existing land uses are mainly truck crops, specialty crops, row and field crops, irrigated crops and pasture, irrigated vineyards and orchards, dry farm orchards and vineyards, dry farm and grain, grazing and rangeland.
- g. Areas where parcel sizes and ownership patterns are sufficiently large to make agricultural operations economically viable, given other features such as soil types, water supply, topography and commercial potential through optimum management.

- h. Areas with an existing pattern of smaller parcels that cannot support self-sustaining agricultural operations, but where physical factors of soil, water supply and topography would support agricultural production.



# city of san luis obispo

990 Palm Street, San Luis Obispo, CA 93401-3249

August 18, 2006

The Honorable Roger Picquet, Presiding Judge  
San Luis Obispo Superior Court  
County Government Center  
San Luis Obispo, CA 93408

Re: 2005-2006 Grand Jury Report  
Bicycle Riding in San Luis Obispo County

Dear Judge Picquet:

The San Luis Obispo City Council discussed the Grand Jury Report titled "Bicycle Riding in San Luis Obispo County" at its regularly scheduled meeting on August 15, 2006. The City Council appreciates the work of the members of the Grand Jury on this report and its focus on the safety of bicyclists and motorists in the County. In addition to directing staff on the response to the report, the Council also directed staff to forward a copy of the report to San Luis Coastal Unified School District for their information and action as it relates to Safe Routes to School.

In accordance with Penal Code §933(c), the following is the City of San Luis Obispo City Council's response to the 2005-2006 Grand Jury Report

## **FINDINGS**

***Finding 1:*** *Bicyclists are required to obey all traffic laws. Every person riding a bike on a street or highway has all the rights and is subject to all the rules applicable to the driver of a motor vehicle (Vehicle Code 21200).*

The City agrees with this finding.

***Finding 2:*** *Law enforcement agencies set higher priority on enforcement of motorized traffic. There are so many more cars than bicycles, and the consequences of a traffic accident while driving a car are likely to be significantly more serious than those involving a bicycle.*

The City disagrees with this finding. As noted in the City's Police Department response, the City does not prioritize enforcement by the mode of transportation. Prioritization is based on the level of urgency and availability of officers to respond.





***Finding 3:** Testimony revealed substantial state funding cuts have forced SLO Police Department to reduce traffic enforcement by 40% in recent years. The funding cuts have impacted the County Sheriff's Department as well.*

The City agrees with this finding. As noted in the Police Department response, in order to balance the City budget after losing millions of dollars to State takeaways, the City has had to eliminate three sworn positions in the Police Department, including one traffic motorcycle officer and one patrol officer, which has resulted in a 20%-40% reduction in traffic enforcement capabilities at any given time.

***Finding 5:** There was unanimous agreement among local cycling club members and cyclists interviewed that too many cyclists fail to follow basic Vehicle Code regulations. Cycling groups from the League of American Bicyclists to SLO Bike Club encourage tough enforcement of traffic laws for cycling violations.*

The City agrees with this finding.

## **RECOMMENDATIONS**

***Recommendation 1:** Working with local cycling groups and the Bicycle Advisory Committee, law enforcement agencies and San Luis Obispo County should generously support the countywide implementation of the "BikeED" program or similar bicycle safety training program. Support may be monetary, venue provision, advertising, staff assistance, etc. or other in-kind services.*

The City currently supports the local "BikeEd" program administered by the League of American Bicyclists. The program has recently expanded their number of local instructors (several who are also City Bicycle Advisory Committee members) and the City has offered to: 1) Provide information about the bicycle safety training program on the City's web site and on the City's public access television station Channel 20; 2) Display brochures about the program at our public offices; and 3) Provide City bicycle maps to participants of the program. The City also contracts with SLO Regional Rideshare to assist the City with bicycle related promotional and educational services. Additionally, later this month the City is hosting a training session conducted by the San Luis Obispo County Bicycle Coalition and League of American Bicyclists for law enforcement officers representing agencies within the County of San Luis Obispo. The City has collaborated with SLO Regional Rideshare and the SLO County Bicycle Coalition to offer bicycle safety training through the City's Parks and Recreation Department after-school and Summer Adventure Camp programs. Finally, as part of the City's 2007-09 financial planning process, the City Council will consider additional funding and/or support for bicycle safety training programs for adults and well as children.

***Recommendation 3:*** *Law enforcement agencies should implement target enforcement programs aimed at improving cyclist compliance with traffic regulations to insure public safety.*

As noted in the Police Department response, the City currently implements this recommendation. Additionally, the City supports the concept of allowing a “traffic school” option for bicycle riders cited for traffic violations if allowed by the court system.

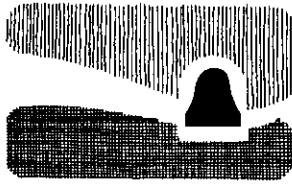
Thank you for the opportunity to comment on the Grand Jury’s report. As demonstrated in the responses, we believe that the City is undertaking many efforts in the support of bicycling safety and education of which the San Luis Obispo City Council is very proud. Please contact me should you or any member of the Grand Jury have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Hampian", followed by a long horizontal line.

Ken Hampian, City Administrative Officer  
City of San Luis Obispo

cc: City Council  
Police Chief  
Public Works Director



# city of san luis obispo

POLICE DEPARTMENT

1042 Walnut St., San Luis Obispo, CA 93401 • (805) 781-7317

July 9, 2006

The Honorable Roger Picquet, Presiding Judge  
San Luis Obispo County Superior Court  
County Government Center  
San Luis Obispo, CA 93408

Re: 2005-2006 Grand Jury Report  
Bicycle Riding in San Luis Obispo County

Dear Judge Picquet:

In accordance with Penal Code §933(c), the following is the City of San Luis Obispo Police Department's response to the 2005-2006 Grand Jury Report titled "Bicycle Riding in San Luis Obispo County." The Police Department appreciates the work of the members of the Grand Jury on this report and their focus on the safety of bicyclists and motorists in our county.

## **FINDINGS**

**Finding 1: The Police Department agrees with the finding.**

**Finding 2: The Police Department disagrees with the finding.**

The San Luis Obispo Police Department does not prioritize enforcement of motor vehicle violations over bicycle violations. Calls for service, including emergency response to collisions and complaints about violations, are prioritized according to the level of urgency of the call and the availability of officers to respond. Within the City of San Luis Obispo, there is a significantly greater volume of cars than bicycles and therefore a proportionally greater volume of collisions, observed violations, and complaints about motor vehicle traffic. It is understandable that this may create a perception that bicycle enforcement is made a lower priority than motor vehicle enforcement. In fact, when officers are not responding to calls for service, they pro-actively enforce many types of observed violations, including both bicycle and motor vehicle violations. Officers are not directed to prioritize one over the other.

**Finding 3: The Police Department agrees with the finding.**

Over the past three years, in order to balance the City budget after losing millions of dollars to State takeaways, the City of San Luis Obispo has had to eliminate three sworn positions in the Police Department, including one traffic motorcycle officer and one patrol officer (patrol officers

*"Service, Pride, Integrity"*



The City of San Luis Obispo is committed to include the disabled in all of its services, programs and activities.  
Telecommunications Device for the Deaf (805) 781-7410

also work traffic). Shortages on patrol have also necessitated the temporary transfer of traffic officers back to patrol. These cuts have resulted in the reduction of traffic motorcycle officers of between 20% and 40% at any given time.

**Finding 5: The Police Department agrees with the finding.**

It has been the experience of officers from the San Luis Obispo Police Department that too few bicyclists follow the law and comply with vehicle and municipal code requirements. However, the same is true for motor vehicle drivers. The Police department strives to balance enforcement efforts accordingly and to be fair and appropriate in our enforcement activities.

**RECOMMENDATIONS**

**Recommendation 1: The recommendation has been implemented on an on-going basis in the City of San Luis Obispo.**

The Police Department supports bicycle safety education in various forms. The Department conducts an elaborate Bicycle Safety Rodeo for children each year that includes bicycle safety checks, helmet fittings and give-aways, rider safety and rules of the road training, and instruction on the proper operation of a bicycle. The Police Department involves several community organizations in this event, including the City Bicycle Advisory Committee and local bicycle shops.

In addition to the Bicycle Safety Rodeo, the Police Department is involved with bicycle safety in a number of other ways. Our Downtown Unit (bicycle officers) works closely with the local bicycling clubs and organizations who organize rides downtown in order to ensure the rides are conducted safely and legally. Bicycle officers were involved in recent Bike Week and Bike Fest activities in May, during which officers gave a riding demonstration and lent their support to the event. Traffic and bicycle officers are also available to conduct bicycle safety education at schools when requested, emphasizing the applicable laws and rules of the road. The Police Department also works with the Bicycle Advisory Committee when issues arise that pertain to the Department's role.

The Police Department is very supportive of bicycle education in the City, and we will continue to look for additional non-monetary ways to enhance this support.

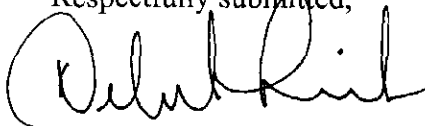
**Recommendation 3: The recommendation has been implemented.**

In addition to on-going enforcement for observed bicycle violations, the San Luis Obispo Police Department conducts focused enforcement programs several times each year, with one usually coinciding with the beginning of the Cal Poly school year, and others related to bicycle traffic and group rides in the downtown area. These focused enforcement programs are intended to increase safety for the bicyclists and the motorists and pedestrians they interact with.

**CONCLUSION**

Thank you for this opportunity to comment on the Grand Jury's report. Should you or any member of the Grand Jury have any additional questions, please do not hesitate to contact me.

Respectfully submitted,

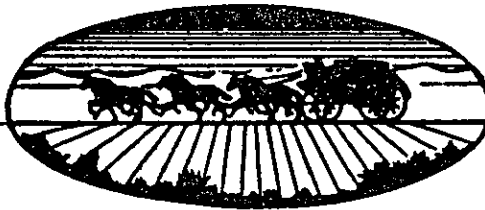
A handwritten signature in black ink, appearing to read "Deborah Linden". The signature is fluid and cursive, with a large initial "D" and "L".

Deborah Linden  
Chief of Police

c: City Council  
CAO Ken Hampian

*City of*  
*Arroyo Grande*

CITY MANAGER'S OFFICE



P.O. Box 550  
214 East Branch Street  
Arroyo Grande, CA 93421  
Phone: (805) 473-5404  
FAX: (805) 473-0386  
E-Mail: [agcity@arroyogrande.org](mailto:agcity@arroyogrande.org)

July 26, 2006

Honorable Michael L. Duffy  
Presiding Judge, Department 1  
San Luis Obispo Superior Court  
1050 Monterey Street, Room 355  
San Luis Obispo, CA 93408

Dear Judge Duffy:

In response to the 2005-2006 Final Report of the Grand Jury regarding "Restraining Orders: Paper Thin Protection", we appreciate the Grand Jury's attention to the important issue of domestic violence. On behalf of the City of Arroyo Grande, thank you for the opportunity to respond to the findings and recommendations.

I have reviewed the findings with our Police Chief Tony Aeilts, who has submitted to you a detailed response to each of the items outlined in the report. I concur with his response and will be working with him to support the Department in efforts related to this issue.

Please let me know if you have any questions or concerns regarding the City's response or if there are other ways the City can support the activities of the Grand Jury.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Adams", is written over a horizontal line.

Steven Adams  
City Manager

cc. Police Chief



## ARROYO GRANDE POLICE DEPARTMENT

200 North Halcyon Road  
Arroyo Grande, CA 93420  
(805) 473-5120

June 28, 2006

The Honorable Michael L. Duffy  
Presiding Judge, Department 1  
San Luis Obispo Superior Court  
1050 Monterey Street, Room 355  
San Luis Obispo, CA 93408

Dear Judge Duffy:

I have reviewed the 2005-2006 Final Report of the Grand Jury regarding "Restraining Orders: Paper Thin Protection" and am providing the following responses and information regarding their findings and recommendations.

### Response to Findings

1. Victims of domestic violence are often not well informed about resources and community support available to them. They are also reluctant to report incidents of abuse for fear of escalating violence, embarrassment, and/or possible separation from their children. We believe that it is true that some victims of domestic violence are not well informed about resources and community support.

**Respondent generally agrees with this finding.** However, the Arroyo Grande Police Department regularly seeks opportunities to proactively inform community groups and individuals about the services that are available. It is a fundamental concern to encourage victims to report such crimes and feel comfortable in doing so. In addition, officers always provide extensive and detailed information when they respond to such incidents.

3. Arrests for domestic violence by law enforcement are inconsistent across law enforcement agencies. (Appendix A)

**Respondent cannot offer an opinion regarding this finding as it includes information internal to other agencies.** However, we can point out that the Arroyo Grande Police Department utilizes the standards of law in response to situations in which arrests can be made. Page 172 of 265 shows that of 39 Documented Domestic Violence Calls in 2004, that 39 arrests were made. Other agencies do indicate a variety of statistics. We submit that we cannot be fully familiar with incidents outside our jurisdiction. As such, it is difficult to address whether a variation of statistics is an inconsistency or simply reflects incidents in those jurisdictions wherein some cases allowed for an arrest and others did not. There may be other factors involved as well.

## **Response to Recommendations**

**2.** Domestic violence training for law enforcement officers, dispatchers, and first responders is readily available and needs to be considered an essential element in their training.

**The recommendation is in place.** Department personnel receive ongoing and updated training in many areas of policing including Domestic Violence related issues. This training process is built into the training program and reflects legal mandates, POST requirements, and similar standards. All personnel are current in this area of training or in the process of being updated.

**3.** Training for law enforcement officers should include a heightened awareness of the need for EPO's where appropriate, in handling incidences of domestic violence. (Appendix E). When issuing EPO's, law enforcement should distribute bilingual brochures describing the steps to be taken to ensure the safety of each party present at the scene.

**The recommendation is in place.** Officers have been trained regarding obtaining and processing EPO's. Brochures are provided in English and Spanish translation is made available by a Spanish speaker at scene if needed at an incident. In addition, warnings and information regarding the Emergency Protective Orders is provided in writing in both English and in Spanish as included on the back of the Application for Emergency Protective Order. Development of a bilingual brochure will be conducted.

**4.** Law enforcement officers should make every effort to insure that batterers surrender their firearms, in accordance with federal and state law.

**The recommendation is in place.** Arroyo Grande Police Department emphasizes this issue for the safety of citizens and officers, as it is imperative to remove firearms from domestic violence situations as allowed by law.

Please feel free to contact me should you have any questions on concerns regarding the response contained herein.

Respectfully submitted,

Tony Aeilts  
Chief of Police

TA/sl

Cc: City Manager Steve Adams



August 7, 2006

Honorable Judge Roger Piquet, Presiding Judge  
San Luis Obispo County Superior Court  
County Government Center  
San Luis Obispo, CA 94408

Dear Judge Piquet,

Please accept this as the required response on behalf of the City Council of the City of Atascadero regarding the Grand Jury report on law enforcement domestic violence response.

I have reviewed the response submitted by the Chief of Police as to the findings and recommendations contained in the investigative report and concur with his comments.

The Council appreciates the efforts of the Grand Jury to investigate and determine the nature of law enforcement response to the complex issues related to domestic violence and adherence to protective orders. I'm confident that our police department is taking the matter seriously and is applying the necessary resources that best serve victims of domestic violence.

Respectfully submitted,

Tom O'Malley  
Mayor



# CITY OF ATASCADERO

## POLICE DEPARTMENT

*Dedicated To Professional Service*



JOHN G. COUCH  
Chief of Police

July 26, 2006

Honorable Judge Robert Piquet, Presiding Judge  
San Luis Obispo County Superior Court  
County Government Center  
San Luis Obispo, CA 94408

Dear Judge Piquet,

The following is the response to the Grand Jury review of the policies and practices of the Atascadero Police Department with respect to domestic violence enforcement and investigations:

Finding 1: Victims of domestic violence are often not well informed about resources and community support available to them. They are also reluctant to report incidents of abuse for fear of escalating violence, embarrassment, and/or possible separation from their children.

Response: The respondent agrees that there is a need for providing information resources to victims of domestic violence. The Atascadero Police Department is responsive to the needs of domestic violence victims by providing victim witness resource cards, women's shelter information cards and information relative to emergency protective orders on all domestic violence related calls. In addition, investigators conduct follow-up contacts within a week of reporting with victims of domestic violence to determine if their needs are being met, to determine if the batterer is back in the home, and to offer more resources if needed.

Finding 3: Arrests for domestic violence bylaw enforcement is inconsistent across law enforcement agencies.

Response: The chart listed in Appendix A demonstrates the aggressive enforcement posture taken by the Atascadero Police Department with respect to arrests for domestic violence violations. Arrests by Atascadero Police Department personnel represent 15.3% of the total arrests for San Luis Obispo County, the most for any of the incorporated cities. Additionally, Atascadero Police Department initiated a program to partner with Probation on conducting compliance sweeps of domestic violence probationers located in this jurisdiction.

Recommendation 2: Domestic violence training for law enforcement officers, dispatchers and first responders is readily available and needs to be considered an essential element in their training.

Response: Domestic violence training is included in Field Training programs for new officers and Communications Training programs for new dispatchers. In-service training is also included for all personnel. A representative from the Atascadero Police Department is a member of the District Attorney's Domestic Violence Task Force and participates in all meetings. That representative, who is a presenter of training classes, also sits on the Law Enforcement sub-committee, which seeks to maintain consistency among county agencies and provides training opportunities to meet training needs of the county.

5505 EL CAMINO REAL • ATASCADERO, CA 93422

General Business: (805) 461-5051 Administrative Services: (805) 470-3200 Watch Commander: (805) 470-3280 Investigations: (805) 470-3216 Fax: (805) 461-3702  
[www.atascadero.org](http://www.atascadero.org)

Recommendation 3: Training for law enforcement officers should include a heightened awareness of the need for EPOs, where appropriate, in handling incidences of domestic violence. When issuing EPOs, law enforcement should distribute bilingual brochures describing the steps to be taken to ensure the safety of each party present at the scene.

Response: Issues related to Emergency Protective Orders are covered in all phases of domestic violence basic and in-service training. Supervisory staff routinely reviews reports and incidents to ensure that EPOs are offered. Bilingual victim witness cards and information brochures are readily available and provided when appropriate.

Recommendation 4: Law enforcement officers should make every effort to ensure that batterers surrender their firearms, in accordance with federal and state law.

Response: Seizure of firearms is included in basic and in-service training of personnel and is included in direction by supervisory staff during domestic violence incidents. Supervisors routinely review domestic violence reports to ensure that mention of weapons seizures are included in the reports.

Thank you for this opportunity to describe the efforts conducted by the Atascadero Police Department regarding its response to the complex issue of domestic violence. The department is committed to being actively involved with other county agencies by providing representatives to sit on the Domestic Violence Task Force as well as the board of the North County Women's Shelter and Resource Center.

Sincerely,

John G. Couch  
Chief of Police



# City of Grover Beach

---

Mayor Larry Versaw Mayor Pro Tem Stephen C. Lieberman  
Council Member Chuck Ashton, Council Member David Ekbohm, Council Member John P. Shoals

August 22, 2006

The Honorable Roger T. Piquet  
Presiding Judge, Superior Court  
1050 Monterey Street, Room 355  
San Luis Obispo, CA 93408

## **SUBJECT: RESPONSE FROM CITY OF GROVER BEACH TO GRAND JURY FINAL REPORT**

Honorable Judge Piquet:

This letter is submitted as a response to the Findings and Recommendations contained in the 05-06 Grand Jury Final Report in the "Restraining Orders: Paper Thin Protection" section. The City Council has reviewed that section of the Grand Jury Report, as well as the response filed on June 27, 2006 by Grover Beach Police Chief Jim Copsey.

The City Council recognizes the importance of having effective tools and accurate information when assisting the victims of domestic violence and dealing with the perpetrators. The Grover Beach Police Department has been, and continues to be, well trained in these areas. The difference in the number of arrests in various jurisdictions is not indicative of an inconsistent approach by different agencies, but more likely a result of the population size and number of incidences in those jurisdictions.

Consequently, the City responds as follows:

### **RESPONSE TO FINDINGS:**

1. The City agrees that victims of domestic violence are often not well informed about available resources and are reluctant to report incidents of abuse for fear of further violence and embarrassment. The Grover Beach Police Department, as a matter of procedure, provides all available information to victims of domestic violence.
3. The City disagrees with this finding. The fact that arrest numbers are not consistent among all jurisdictions, does not mean that various agencies respond or treat reports of domestic violence differently. Various factors can lead to disparity in arrest statistics, including population size or number of reports to the agency.

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154 South Eighth Street ♦ Grover Beach, California 93433 ♦ FAX (805) 489-9657 ♦ [www.grover.org](http://www.grover.org)

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Administrative Svcs./Water (805) 473-4550 ♦ Community Development - Building, Planning & Public Works (805) 473-4520  
Parks & Recreation (805) 473-4580 ♦ Human Resources (805) 473-4564 ♦ City Clerk (805) 473-4568  
City Council/City Manager (805) 473-4567 ♦ Police Administration (805) 473-4511 ♦ Fire Administration (805) 473-4590

**RESPONSE TO RECOMMENDATIONS:**

2. The City has and will continue to implement this recommendation. Domestic violence training has been a part of department's regular training and a part of training briefing updates.
3. The City has and will continue to implement this recommendation. Emergency Protective Order (EPO) use, procedures, and applicability have been part of the training that Grover Beach Police Officers receive on a regular basis and, in turn, explain to all individuals involved in incidents of domestic violence. This information is provided in English and Spanish.
4. The City has and will continue to implement this recommendation. Consistent with applicable law, Grover Beach Police Officers ensure that perpetrators of domestic violence surrender their firearms. This procedure is part of regular training and has been reinforced during briefing updates.

Respectfully submitted,



ROBERT PERRAULT  
City Manager



# GROVER BEACH POLICE DEPARTMENT

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Jim Copsey  
Chief of Police

Grover Beach Police  
711 Rockaway Ave  
Grover Beach, CA 93433

Phone (805) 473-4511  
Fax (805) 473-4515  
jcopsey@gbpd.org

June 27, 2005

The Honorable Roger T. Piquet  
Presiding Judge, Superior Court  
San Luis Obispo Superior Court  
1050 Monterey Street, Room 355  
San Luis Obispo, CA 93408

Dear Judge Piquet:

I have reviewed the 2005 Grand Jury report regarding "Restraining Orders: Paper Thin Protection" and have prepared the following responses to the *findings and recommendations*:

## **Response to Findings**

1. Victims of domestic violence are often not well informed about resources and community support available to them. They are also reluctant to report incidents of abuse for fear of escalating violence, embarrassment, and/or possible separation from their children. **Respondent agrees with the finding.** This agency agrees with findings and does provide information to all potential domestic victims.

3. Arrests for domestic violence by law enforcement is inconsistent across law enforcement agencies. **Respondent disagrees with the finding.** This agency does not agree that arrests are inconsistent in the fact that agencies respond or treat domestic violence differently. This agency agrees that some communities may have more or less domestic violence and larger or smaller population that could indicate the different figures shown in appendix A.

## **Response to Recommendations**

2. Domestic violence training for law enforcement officers, dispatchers and first responders is readily available and needs to be considered an essential element in their training. **The recommendation has been implemented.** Domestic violence training is, and has been, part of our department's regular training as well as part of our update briefing training. All of our personnel are trained in handling domestic violence and EPO situations and we plan to continue our on-going training.

3. Training for law enforcement officers should include a heightened awareness of the need for EPO's where appropriate, in handling incidences of domestic violence. When issuing EPO's,

law enforcement should distribute bilingual brochures describing the steps to be taken to ensure the safety of each party present at the scene. **The recommendation has been implemented.** This agency has already been trained in handling incidences of domestic violence involving EPO's and all officers have been trained in serving EPO's and handling violators of EPO's. Our officers fully explain the EPO process and provide all those involved with specific information regarding the service and abeyance to the EPO's. Warnings and information regarding the Emergency Protective Orders is provided in English and in Spanish.

4. Law enforcement officers should make every effort to insure that batterers surrender their firearms, in accordance with federal and state law. **The recommendation has been implemented.** This agency currently and consistently uses this practice; this is part of our training and we have reinforced this information.

Please feel free to contact me should you have any questions on concerns regarding the response contained herein.

Respectfully submitted,

Jim Copsey  
Chief of Police

Cc: City Manager





MINUTES - MORRO BAY CITY COUNCIL  
SPECIAL MEETING – NOVEMBER 13, 2006  
VETERANS MEMORIAL HALL - 5:00 P.M.

Mayor Peters called the meeting to order at 5:00 p.m.

PRESENT:	Janice Peters	Mayor
	Thad Baxley	Councilmember
	Melody DeMeritt	Councilmember
	William Peirce	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Robert Hendrix	City Manager
	Andrea Lueker	Assistant City Manager
	Robert Schultz	City Attorney
	Bridgett Bauer	City Clerk
	Rick Algert	Harbor Director
	Bruce Ambo	Public Services Director
	Bill Boucher	Capital Projects Manager
	Janeen Burlingame	Management Analyst
	John DeRohan	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Finance Director

ESTABLISH QUORUM AND CALL TO ORDER

PUBLIC COMMENT PERIOD - Members of the audience wishing to address the Council on any item on the agenda may do so at this time.

Keith Taylor urged the City Council to build the apparatus bay then obtain a cost analysis for stage 2 of the Fire Department rebuild.

Betty Forsythe requested Council to look at what is best for the community when discussing the Fire Station Project.

A) CONSIDERATION OF THE CURRENT FIRE STATION PROJECT  
CONCEPT AND DISCUSSION OF AN ALTERNATIVE PROJECT THAT  
WOULD INCLUDE ALL ASPECTS OF THE REBUILD PROJECT

Capital Projects Manager Bill Boucher stated with the Fire Department's occupation of the recently-completed temporary administrative/living quarters building, the remaining steps in the approved concept for the replacement of the Harbor Street Fire Station are the construction of the replacement apparatus bay and the identification of funding and pursuit of construction of the new administrative/living quarters at the 715 Harbor Street site. The plans and specifications for the apparatus bay replacement were completed with provisions for retention of use of the existing administrative/living quarters. With relocation of these functions to the 695 Harbor Street site, the plans now need to be modified to reflect that change before they are advertised for bids. Staff has been in

MINUTES - MORRO BAY CITY COUNCIL  
SPECIAL MEETING – NOVEMBER 13, 2006

contact with the project architects to negotiate a contract amendment to make those changes but that task has not been completed. Contemplated changes would include elimination of the various utility and personnel connections between the new and old structures on the property and demolition of the vacated structures. The initial consultant cost estimate to make the changes seems high and we need to have further discussions before we can make a recommendation in that regard. Mr. Boucher recommended the City Council review the information provided by staff, and provide direction accordingly.

MOTION: Councilmember Peirce moved the City Council authorize staff to demolish both the fire station and apparatus bay, and to begin construction of the apparatus bay as soon as possible. The motion was seconded by Councilmember DeMeritt and carried unanimously. (5-0)

MOTION: Mayor Peters moved the City Council direct staff to prepare design concepts for replacement of the administrative portion of the fire station for Council's review. Staff is not to engage consultants for this task. The motion was seconded by Councilmember Peirce and carried with Councilmember DeMeritt and Councilmember Winholtz voting no. (3-2)

B) CONSIDERATION OF SAN LUIS OBISPO COUNCIL OF  
GOVERNMENTS' PROGRAMMING OPTIONS FOR INCREASED  
FISCAL YEAR 2006-2007 STATE TRANSIT ASSISTANCE FUNDS

Management Analyst Janeen Burlingame stated in April 2006, the San Luis Obispo Council of Governments (SLOCOG) Board approved the Transportation Development Act allocations for fiscal year 2006/2007 which includes the State Transit Assistance (STA) funds. The STA is derived from the statewide sales tax on gasoline and diesel fuel and the apportionment approved by SLOCOG in April was based on funding estimates from the State. In August 2006, the amount of STA funds to the region was updated after the State budget was adopted in June. The new STA available to the region for fiscal year 2006/2007 will increase by over \$1.7 million due to higher fuel prices and the State not taking STA funds to balance its budget. The STA is broken into revenue-based and population-based funds for allocation. The revenue-based STA funds are directly allocated to operators based on the percentage of transit revenues generated compared with total transit revenues statewide. The population-based STA funds are disbursed through the SLOCOG and include funds allocated to operators based on a population percentage for the region and funds allocated for discretionary or special projects. Ms. Burlingame stated the Public Works Advisory Board recommended the City Council communicate to SLOCOG that the \$1,743,883 increased amount of STA funds to be received for fiscal year 2006/2007 should be allocated immediately to the region according to the current distribution method.

MINUTES - MORRO BAY CITY COUNCIL  
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MOTION: Councilmember Baxley moved the City Council communicate to the San Luis Obispo Council of Governments that the \$1,743,883 increased amount of State Transit Assistance funds to be received for fiscal year 2006/2007 should be allocated immediately to the region according to the current distribution method. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

C) DISCUSSION OF TOPICS FOR AND SCHEDULING OF A JOINT  
MEETING WITH THE PLANNING COMMISSION

Discussion on this item was continued to later in the evening under Item Number C-3.

Mayor Peters called for a break at 5:50 p.m.; the meeting resumed at 6:00 p.m.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 13, 2006  
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Peters called the meeting to order at 6:00 p.m.

PRESENT:	Janice Peters	Mayor
	Thad Baxley	Councilmember
	Melody DeMeritt	Councilmember
	William Peirce	Councilmember
	Betty Winholtz	Councilmember
STAFF:	Robert Hendrix	City Manager
	Andrea Lueker	Assistant City Manager
	Robert Schultz	City Attorney
	Bridgett Bauer	City Clerk
	Rick Algert	Harbor Director
	Bruce Ambo	Public Services Director
	Bill Boucher	Capital Projects Manager
	Janeen Burlingame	Management Analyst
	Frank Cunningham	City Engineer
	John DeRohan	Police Chief
	Mike Pond	Fire Chief
	Mike Prater	Senior Planner
	Susan Slayton	Finance Director

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE  
PLEDGE OF ALLEGIANCE  
MAYOR'S REPORTS & ANNOUNCEMENTS  
CLOSED SESSION REPORT – None.

PUBLIC COMMENT

Keith Taylor, Friends of Fire Department, presented a Certificate of Appreciation to Bob Dixon for his valuable contributions to the City.

Jeff Odell thanked those who assisted in the campaign and those who supported him through the election.

Ken Vesterfelt thanked those who assisted in making a good clean campaign season. He also thanked those who supported Measure Q.

Gabriele Sunheart announced her business (Morro Bay.com), which promotes Morro Bay, and stated she is looking for sponsorship funds.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 13, 2006

Alex Beattie requested the community recognize and protect the wild turkeys that wander through the state park and surrounding neighborhoods.

Ed Biaggini addressed Item A-4 (Resolution No. 58-06 Conditionally Granting Consent to the County of San Luis Obispo to Form a San Luis Obispo County Business Improvement District), and requested clarification on the condition in the resolution that relates to future funding to the Visitors and Conference Bureau.

Garry Johnson, Morro Bay Beautiful, stated he is still finding aluminum cans that are being thrown away in trashcans instead of a recycling bin. He thanked those who have been planting flowerbeds on the Embarcadero, and thanked the Police Department for enforcing a 0-tolerance in the downtown area.

Ernie Hull, founder of Morro Bay.com, stated the proposed Business Improvement District would be good for promoting travel and tourism in the City.

John Barta thanked the citizens who voted in the past election. He also thanked those who ran for office of the City Council and those who supported Measures R and S.

Mayor Peters closed the hearing for public comment.

DECLARATION OF FUTURE AGENDA ITEMS

Councilmember DeMeritt requested to agendize a status report from the New Futures Sub-Committee at the second meeting in January. She also requested to place on the agenda the reconsideration of the Radcliffe and Main Street intersection safety issues; Councilmember Winholtz and Mayor Peters concurred.

Councilmember Peirce requested to agendize a discussion on the need for a specific plan in the area along the bay from Bayshore Bluffs to Tidelands Park, and placing an interim moratorium on the area while the plan is being developed; Council consensus was to place this item on the December agenda.

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 APPROVAL OF MINUTES FOR THE OCTOBER 23, 2006 CITY COUNCIL MEETING; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 13, 2006

A-2 RESOLUTION NO. 57-06 EXECUTING MEMORANDUM OF UNDERSTANDING WITH SERVICE EMPLOYEES INTERNATIONAL UNION - MISCELLANEOUS GROUP; (ADMINISTRATION)

**RECOMMENDATION: Adopt Resolution No. 57-06.**

A-3 RESOLUTION EXECUTING MEMORANDUM OF UNDERSTANDING WITH FIRE FIGHTERS ASSOCIATION - FIRE SAFETY GROUP; (ADMINISTRATION)

**RECOMMENDATION: This item has been pulled from the agenda.**

A-4 RESOLUTION NO. 58-06 CONDITIONALLY GRANTING CONSENT TO THE COUNTY OF SAN LUIS OBISPO TO FORM A SAN LUIS OBISPO COUNTY BUSINESS IMPROVEMENT DISTRICT; (ADMINISTRATION)

**RECOMMENDATION: Adopt Resolution No. 58-06.**

A-5 RESOLUTION NO. 54-06 AUTHORIZING SUBMISSION OF APPLICATION TO THE RURAL TRANSIT FUND GRANT PROGRAM; (ADMINISTRATION)

**RECOMMENDATION: Adopt Resolution No. 54-06.**

A-6 RESOLUTION NO. 55-06 APPROVING EXECUTION OF AN ESTOPPEL AND LANDLORD'S CONSENT AGREEMENT ON LEASE STIES 71-77/71W-77W AT 601-699 EMBARCADERO - MARINA SQUARE PARTNERSHIP;(HARBOR)

**RECOMMENDATION: Adopt Resolution No. 55-06.**

A-7 RESOLUTION NO. 56-06 APPROVING SUBLEASE ON LEASE SITE 86-86W AT 801 EMBARCADERO - BURT CALDWELL; (HARBOR)

**RECOMMENDATION: Adopt Resolution No. 56-06.**

A-8 CONTRACT AWARD FOR ASPHALT CONCRETE OVERLAY OF SOUTH BAY BOULEVARD; (PUBLIC SERVICES)

**RECOMMENDATION: Award the project contract to Union Asphalt, Inc. in the amount of \$129,612.**

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 13, 2006

A-9 CITY COUNCIL ANNUAL REGULAR MEETING SCHEDULE FOR 2007;  
(ADMINISTRATION)

**RECOMMENDATION: Adopt the proposed regular meeting schedule for calendar year 2007.**

A-10 CITY RESPONSE TO PORTIONS OF THE 2005/2006 SAN LUIS OBISPO  
COUNTY GRAND JURY REPORT; (CITY ATTORNEY)

**RECOMMENDATION: Approve the response of Chief DeRohan to the questions and recommendations posed by the 2005/2006 San Luis Obispo County Grand Jury Report as the response of the City Council.**

Councilmember DeMeritt pulled Items A-2, A-8, A-9 and A-10 from the Consent Calendar; and, Councilmember Winholtz pulled Items A-4, A-6 and A-7.

MOTION: Councilmember Peirce moved the City Council approve Items A-1 and A-5 of the Consent Calendar. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

A-2 RESOLUTION NO. 57-06 EXECUTING MEMORANDUM OF UNDERSTANDING WITH SERVICE EMPLOYEES INTERNATIONAL UNION - MISCELLANEOUS GROUP; (ADMINISTRATION)

Councilmember DeMeritt pulled this item to clarify the costs involved, and made a cautionary note that the City needs to be conservative.

MOTION: Councilmember DeMeritt moved the City Council approve Item A-2 of the Consent Calendar. The motion was seconded by Councilmember Winholtz and carried unanimously. (5-0)

A-4 RESOLUTION NO. 58-06 CONDITIONALLY GRANTING CONSENT TO THE COUNTY OF SAN LUIS OBISPO TO FORM A SAN LUIS OBISPO COUNTY BUSINESS IMPROVEMENT DISTRICT; (ADMINISTRATION)

Councilmember Winholtz suggested four additional conditions be added to the Business Improvement District agreement.

MOTION: Councilmember Winholtz moved the City Council approve Item A-4 of the Consent Calendar as amended with the four conditions added by Councilmember Winholtz. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 13, 2006

A-6 RESOLUTION NO. 55-06 APPROVING EXECUTION OF AN ESTOPPEL  
AND LANDLORD'S CONSENT AGREEMENT ON LEASE STIES 71-  
77/71W-77W AT 601-699 EMBARCADERO - MARINA SQUARE  
PARTNERSHIP;(HARBOR)

Councilmember Winholtz asked if the owners are up to date with their parking in-lieu fees.

City Attorney Robert Schultz responded in the affirmative.

MOTION: Councilmember Winholtz moved the City Council approve Item A-6 of the Consent Calendar. The motion was seconded by Councilmember DeMeritt and carried unanimously. (5-0)

A-7 RESOLUTION NO. 56-06 APPROVING SUBLEASE ON LEASE SITE 86-  
86W AT 801 EMBARCADERO - BURT CALDWELL; (HARBOR)

Councilmember Winholtz stated she would be voting in opposition because the proposed live theater is not being considered for this site.

MOTION: Councilmember Baxley moved the City Council approve Item A-7 of the Consent Calendar. The motion was seconded by Councilmember Peirce and carried with Councilmember Winholtz voting no. (4-1)

A-8 CONTRACT AWARD FOR ASPHALT CONCRETE OVERLAY OF SOUTH  
BAY BOULEVARD; (PUBLIC SERVICES)

Councilmember DeMeritt asked why this street was selected for asphalt overlay, and not other streets in the City that need repair.

City Engineer Frank Cunningham responded this overlay repair was paid through regional funding.

MOTION: Councilmember Peirce moved the City Council approve Item A-8 of the Consent Calendar. The motion was seconded by Councilmember Baxley and carried with Councilmember DeMeritt and Councilmember Winholtz voting no. (3-2)



MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 13, 2006

A-9 CITY COUNCIL ANNUAL REGULAR MEETING SCHEDULE FOR 2007;  
(ADMINISTRATION)

MOTION: Councilmember Winholtz moved the City Council maintain the second meeting in July and November each year.

The motion died for lack of a second.

MOTION: Councilmember DeMeritt moved the City Council approve Item A-9 of the Consent Calendar. The motion was seconded by Councilmember Peirce and carried with Councilmember Winholtz voting no. (4-1)

A-10 CITY RESPONSE TO PORTIONS OF THE 2005/2006 SAN LUIS OBISPO  
COUNTY GRAND JURY REPORT; (CITY ATTORNEY)

Councilmember DeMeritt requested clarification on the timing of this item.

City Manager Robert Hendrix stated the Council's response was overlooked and it will be taken care of with the approval of this item.

MOTION: Councilmember DeMeritt moved the City Council approve Item A-10 of the Consent Calendar. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

Mayor Peters called for a break at 7:05 p.m.; the meeting resumed at 7:15 p.m.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 APPEAL OF THE PLANNING COMMISSION'S NO ACTION DECISION  
FOR A VESTING TENTATIVE TRACT MAP, VARIANCE, CONDITIONAL  
USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR PROPOSED  
CLUSTER SUBDIVISION OF 17 RESIDENTIAL LOTS & ONE OPEN SPACE  
LOT; (PUBLIC SERVICES)

Senior Planner Mike Prater stated on August 21, 2006, the Planning Commission considered the proposed application for a proposed cluster subdivision of 17 residential lots and one open space lot at a regularly scheduled public hearing. After considering public testimony, the Planning Commission voted 3-1-1, which did not give the project a 2/3 vote for approval, and therefore the decision is considered as no action taken. The project would require City Council action regardless of the appeal nature because creating five or more parcels under this type of design requires City Council action with majority approval. Mr. Prater recommended the City Council approve the appeal, adopt the Mitigated Negative Declaration, and approve the project.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 13, 2006

Wayne Colmer, appellant/applicant, stated he has appealed the no action decision made by the Planning Commission, and contends the project could be interpreted to qualify as meeting the regulations for both cluster design and a community housing project. He stated the City Council should evaluate the project under both criteria. If the Council finds the project meets the criteria under one or the other or both then the project can be approved. Mr. Colmer noted the objectives for a cluster design warrant a buffering of open space from an area needing preservation, and a community housing project objective is providing an open space area for the project residents' enjoyment.

Charlie Klaus, TPG Consulting Inc, stated the traffic study analyzed four intersections for two time periods. In addition to evaluating the four study intersections for capacity, queuing analysis was prepared for Quintana Road and South Bay Court, the main shared entrance into the project site and Blue Heron Mobilehome Park. An existing collision history was reviewed for the area along with a geometric evaluation for South Bay Court. A project parking assessment was also prepared. Site-specific design issues have been reviewed by the City Engineer and other staff relative to site distance clearance, driveway width, intersections, and vertical and horizontal geometry of roadway profiles. The creation of a single ingress/egress point with the added trips generated is an acceptable alternative.

Wally McCray reviewed the landscaping plan for this project. He stated the trees would be planted in groups with shrubs and native grasses. Native and/or drought tolerant plant and tree species shall be used to the maximum extent feasible. The landscape plans shall include fencing details, utility meter screening, and screening of the trash enclosure.

Mayor Peters opened the hearing for public comment.

Ray McKelligott stated this project should not be considered until there is a traffic signal installed at the intersection of Quintana Road and South Bay Boulevard. He said the homeowner's association of the Blue Heron Mobilehome Park has been communicating with Wayne Colmer for several years regarding their concerns with his proposed project.

Jim Nance stated Mr. Colmer built a subdivision on Main Street, which turned out to be very dense with large houses being built with little space between them. He also stated this proposed project should require a full signal for both automotive and pedestrian traffic. Mr. Nance stated the developer should pay for the infrastructure costs.

Garry Johnson addressed the need for affordable housing and noted this property should be used for that use.

Bill Davies addressed traffic controls with a bus stop and pedestrian crossing. He said the plan for this project appears to be nice, however large for the site.

MINUTES - MORRO BAY CITY COUNCIL  
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Roger Ewing expressed opposition to this project because there is no public benefit. He said there is no chance that a person on a limited budget could afford to purchase one of these homes.

Mayor Peters closed the public comment hearing.

Councilmember Winholtz stated the 17 trees cut over the last two years were healthy and housed various bird nests. She said the biology is not mitigated properly; the traffic and transportation impacts have not been sufficiently addressed; the density of larger homes on smaller lots is not honoring the R-2 zoning; and, the Zoning Ordinance should be considered where density of a project is concerned.

Councilmember Baxley stated the Negative Declarations are appropriate. He suggested a change to condition #5 to provide a 2-to-1 ratio of trees.

Councilmember DeMeritt stated this is an opportunity and great location to provide affordable housing in the City. She said this proposed project would create a bad fiscal impact for the City. Councilmember DeMeritt stated the lift stations should be upgraded before more housing is built in this area. She also said she would like the open space to be up on the hill and not by the street.

Councilmember Peirce stated it appears there is a sight distance problem with this property. He said the Quintana Road and South Bay Boulevard intersection should require a full traffic signal.

Mayor Peters stated she agrees with the Planning Commission conditions to add a complete traffic signal. She also supports a 2-to-1 ratio for trees.

MOTION: Mayor Peters moved the City Council approve the project with the Planning Commission suggestions, with the addition of a 2-to-1 ratio for tree replacement and credit for dead trees; and, when the project is completed a full signal will be placed at the Quintana Road/South Bay Boulevard intersection. The motion was seconded by Councilmember Peirce.

Councilmember Winholtz requested an amendment be made to the landscape plan with a requirement that there must be trees that would have height that is appropriate for raptors.

Mayor Peters amended her motion to include 20% of the trees planted shall provide raptor habitat and will be planted according to the landscape architect's plan; Councilmember Peirce accepted the amendment to the motion.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 13, 2006

VOTE: The motion carried with Councilmember DeMeritt and Councilmember Winholtz voting no. (3-2)

Mayor Peters called for a break at 8:30 p.m.; the meeting resumed at 8:40 p.m.

B-2 RESOLUTION NO. 59-06 ADOPTING INTERIM WASTEWATER FEE INCREASES; (PUBLIC SERVICES)

Capital Projects Manager Bill Boucher stated at the August 28, 2006 meeting, the City Council conducted a public hearing and as a result adopted Resolution No. 39-06 establishing an interim 20% sewer rate increase for all user categories except for single family residential and single family condominium. The City Council further adopted a motion for staff to return with a resolution for those single family categories to incorporate the previously-adopted \$1.50 per month increase in January 2007 plus quarterly 5% increases starting January 2007 to meet the overall 20% increase by fall 2007. Mr. Boucher recommended the City Council conduct a public hearing on this matter and, as a result, determine that the revenue needs of the Wastewater Revenue Fund warrant the established and proposed fee structures, and adopt Resolution No. 59-06 establishing user rates for residential wastewater services.

Mayor Peters opened the hearing for public comment.

Jim Nance stated instead of charging for a minimum of 3 units of water, Council should consider breaking the water use fee for using 1, 2 or 3 units of water. He said people who use less water should receive a break.

Mayor Peters closed the public comment hearing.

MOTION: Councilmember DeMeritt moved the City Council adopt Resolution No. 59-06 establishing user rates for residential wastewater services. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

B-3 REQUEST FOR TENTATIVE TRACT MAP, VARIANC, CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR PROPOSED 6-LOT COMMUNITY HOUSING PROJECT ON THE WEST SIDE OF SUNSET AVENUE, BETWEEN ATASCADERO ROAD AND HILL STREET; (PUBLIC SERVICES)

Senior Planner Mike Prater stated on June 19, 2006, the Planning Commission considered the proposed application for six residential parcels, one common guest parking parcel that allows for four guests parking stalls, and one useable open space parcel at least 3,000 square feet. After considering public testimony, the Commission voted 4-0-1 to

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 13, 2006

recommend to the City Council to grant approval of the application and tract map. On August 14, 2006, the City Council considered the recommendation from the Planning Commission regarding this proposal and denied the project due to concerns with open space, particularly the backing up space and access easement for the neighboring property that was proposed as part of the open space. Additional concerns were the lack of guest parking spaces. The project was brought back to the Planning Commission on October 2, 2006 to reconsider the project with its new direction and design where the Planning Commission once again recommended approval. The Planning Commission's conditions to extend the curb, gutter and sidewalk to connect to the former Shell Station property, and record an easement agreement for access to the neighboring property to the north that would dissolve if the neighboring site were further developed with more intense uses are still being recommended. Mr. Prater recommended the City Council accept the recommendations of the Planning Commission by adopting the Mitigated Negative Declaration and approve the project.

Greg Ravatt, Project Architect, reviewed the proposed project with changes made since Council's last review of this project. He also addressed the benefits of the common open space.

Cristi Fry, Project Civil Engineer, reviewed the easement and traffic concerns with this project.

Mayor Peters opened the hearing for public comment.

Nora Pena Klenner stated this project should allow 3,000 square feet of common open space, which it is 1,200 square feet less at this time. She said the applicant is still proposing a project that does not meet zoning requirements.

Katie Klenner addressed the concerns of the impacts of this project and her property.

Roger Ewing stated he supports the property owner to the north who is opposed to this project. He said this project is too large for the size of the property and should be denied as presented.

Mayor Peters closed the public comment hearing.

Councilmember DeMeritt stated she likes the "green" aspect of this project. She said she does not support the lack of side yard setback variances and the lack of open space area. Councilmember DeMeritt stated the applicant might need to eliminate one of the units in order for the plan to work on this site, and should follow the rules for community housing.

MINUTES - MORRO BAY CITY COUNCIL  
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Councilmember Peirce stated he likes the community housing aspect of this project. He said he would prefer the units to be attached because the space between the units in the proposed plan is too small.

Councilmember Winholtz stated she would support attaching the three units. She said the parking appears to be sufficient as long as it is used for visitor parking and not residential parking, which should be written into the CC&R's.

Councilmember Baxley stated he supports the Planning Commission's findings that support this project. He said he supports site plan #3 because of the contiguous open space and the six parking spaces that it provides.

Mayor Peters stated the exterior parking should be allowed for residential overflow parking. She said perhaps if the three units were connected, it could allow for another parking space.

MOTION: Councilmember Baxley moved the City Council accept the recommendations of the Planning Commission by adopting the Mitigated Negative Declaration, and approve site plan #3 of the project, with units 1, 2, and 3 to be expanded to provide five feet space in between each unit, reducing the need for one variance, and leave enough space to provide five full size parking spaces and one motorcycle parking space. The motion was seconded by Councilmember Peirce and carried unanimously. (5-0)

C. UNFINISHED BUSINESS

**(THESE ITEMS WERE SCHEDULED FOR DISCUSSION AT A SPECIAL MEETING SCHEDULED TO BEGIN AT 5:00 PM. EACH WILL BE CONTINUED TO THE REGULAR MEETING ONLY IF NEEDED).**

C-1 FURTHER DISCUSSION OF CONSIDERATION OF THE CURRENT FIRE STATION PROJECT CONCEPT AND DISCUSSION OF AN ALTERNATIVE PROJECT THAT INCLUDES ALL ASPECTS OF THE REBUILD PROJECT - IF REQUIRED; (PUBLIC SERVICES)

Action on this item was taken during the Special Meeting portion of these minutes on page 2.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – NOVEMBER 13, 2006

C-2 FURTHER DISCUSSION OF CONSIDERATION OF SAN LUIS OBISPO  
COUNCIL OF GOVERNMENTS' PROGRAMMING OPTIONS FOR INCREASED  
FISCAL YEAR 2006-2007 STATE TRANSIT ASSISTANCE FUNDS - IF  
REQUIRED; (PUBLIC SERVICES)

Action on this item was taken during the Special Meeting portion of these minutes on page 3.

C-3 FURTHER DISCUSSION OF THE TOPICS FOR AND SCHEDULING OF A  
JOINT MEETING WITH THE PLANNING COMMISSION - IF REQUIRED;  
(ADMINISTRATION)

City Attorney Robert Schultz stated staff recommends the City Council wait until the new Council and Planning Commission have been sworn in before holding a joint meeting.

Councilmember Winholtz stated the municipal code states the City Council will hold joint meetings with the Planning Commission twice annually, and she would like to have the benefit of meeting with the present Planning Commission.

The remaining Council agreed to wait to meet with the Planning Commission until January 2007.

D. NEW BUSINESS – NONE.

ADJOURNMENT

The meeting adjourned at 10:48 p.m.

Recorded by:

Bridgett Bauer  
City Clerk



# City of Morro Bay

## POLICE DEPARTMENT

850 Morro Bay Blvd.

Morro Bay, CA 93442

(805) 772-6225 fax: (805) 772-2224

John DeRohan

*Police Chief*

June 12, 2006

Presiding Judge  
San Luis Obispo Superior Court  
1050 Monterey St., Rm. 355  
San Luis Obispo, CA 93408

Dear Presiding Judge,

On June 3, 2006, I received a copy of the Grand Jury final report regarding their inquiry into the process and procedures of restraining orders. I commend the members of the Grand Jury for their time and efforts investigating this very complex subject. I am proud to report that the findings and recommendations of the Grand Jury support our efforts in this area. The Morro Bay Police Department subscribes to the services of "Lexipol" for our policies and procedures along with over 300 other law enforcement agencies. Lexipol is a corporation comprised of attorneys specializing in law enforcement. Our subscription to Lexipol includes periodic and annual policy updates as case law changes or procedures change. Our Domestic Violence policy is a similar policy to that used by over 300 other law enforcement agencies, which subscribe to Lexipol. Our Domestic Violence policy is state-of-the-art and is up to date.

Per Penal Code Section 933.05, the following is our response to the findings and recommendations of the Grand Jury report. This report required our responses to Findings 1 & 3 and Recommendations 2,3 &4.

### Findings:

1. *Victims of domestic violence are often not well informed about resources and community support available to them. They are also reluctant to report incidents of abuse for fear of escalating violence, embarrassment, and/or possible separation from their children.*

We partially agree with the finding. Based on past experience, some victims are reluctant to report incidents of abuse for various reasons. Our experience tells us that some battered spouses have to hit a "rock bottom" similar to alcohol/drug abuse before they realize the necessity for help. It is also possible that some victims of domestic violence are not well informed about resources and community support available to them. However, after they come in contact with law enforcement as a victim, they are provided with information and resources. In fact, Penal Code Section 13701 requires that victims of domestic violence be furnished with written notice to include several areas of assistance information. Our department utilizes an information card and brochure on



domestic violence (both English and Spanish) provided by the San Luis Obispo District Attorney' Office, Victim/Witness Assistance Center (attached). Penal Code Section 679.05 also requires that victims of domestic violence or abuse have the right to have a domestic violence counselor and a support person of the victim's choosing present at any interview by law enforcement authorities. Our policy on domestic violence requires our officers to advise the victim of this right and we comply with this requirement.

3. *Arrests for domestic violence by law enforcement are inconsistent across the law enforcement agencies.*

We agree with this finding. Crime statistics vary among law enforcement agencies and jurisdictions. Some cities have higher crime rates than others, which in some cases is dependent on the population and demographics. It would only make sense that the Grand Jury's finding on domestic violence or any other crimes would be different in the various county jurisdictions. The relationship of arrests to documented domestic violence calls is also dependent on numerous factors at the time. Some "domestic violence" calls are coded as such by the dispatcher when received due to the information garnered on the phone. When an officer arrives, many times the situation does not turn out to be a domestic violence by definition. In addition, one must keep in mind that the domestic violence arrest data is dependent on the officer coding in the computer system. Officers could respond to domestic violence calls but wind up arresting a suspect for something different as the primary charge. If the arrest were coded differently, it would not show up in the database as a domestic violence arrest.

Our policy on domestic violence specifically outlines that it is the intent of the legislature that the official response to domestic violence, stresses the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is criminal behavior and will not be tolerated. Our policy and training recommends arrests be made when probable cause exists in domestic violence situations.

#### Recommendations:

2. *Domestic violence training for law enforcement officers, dispatchers and first responders is readily available and needs to be considered an essential element in their training. (Finding 3)*

We agree with this recommendation and do consider it an essential element in our training. Penal Code Section 13519 outlines the training requirements for domestic violence cases. Our Department complies with these requirements. We are also in compliance with all California P.O.S.T. (Peace Officer Standards and Training) training requirements regarding domestic violence. All our officers have received the mandated training. All officers also receive a state-mandated minimum of two hours of domestic violence training every two years. In addition to these training mandates, we subscribe to legal updates and "client alerts" from our police attorneys and district attorneys. These legal updates are treated as training and covered in our patrol briefings on a daily basis. These updates include case law on domestic violence. We also have an "in-house"

training bulletin service where our training sergeant produces several training bulletins per month. These also include topics related to domestic violence. Our Department also subscribes to Lexipol policy manual services as mentioned earlier. Our officers are trained in briefings as this information is passed on to us.

3. *Training for law enforcement officers should include a heightened awareness for the need for EPO's, where appropriate, in handling incidences of domestic violence. (Appendix E). When issuing EPO's, law enforcement should distribute bilingual brochures describing the steps to be taken to ensure the safety of each party present at the scene. (Findings 1&3)*

We agree with this recommendation and we are in compliance with it. Training in EPO awareness begins in the basic law enforcement academy. I am an instructor at the local police academy at Allan Hancock College and teach the course on laws of arrest that includes EPO's. EPO's are strongly encouraged where appropriate. Our policy on domestic violence states that an EPO should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger. It is the policy of the Morro Bay Police Department to request an EPO if any of the following conditions exist:

1. The victim requests an EPO.
2. The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim.
3. The investigating officer or victim feels that the suspect may be able to make bail and the potential for further violence exists.

We provide victims of domestic violence with the brochure provided by the District Attorney's Victim/Witness Assistance Center (attached). It contains information on the definition of domestic violence, how to plan for the victim and children safety, what to do if the victim is abused, what happens if an arrest is or is not made, information on restraining orders and resource numbers. This brochure is also provided in Spanish.

4. *Law enforcement officers should make every effort to insure that batters surrender their firearms, in accordance with federal and state law. (Finding 4)*

We agree with this recommendation and we are in compliance with it. Penal Code Section 12028.5 mandates that officers take into temporary custody firearms or other deadly weapons in plain sight or discovered pursuant to a consensual search or other lawful search in domestic violence incidents and process them for safekeeping.

Sincerely,

John DeRohan  
Police Chief





## **PISMO BEACH COUNCIL AGENDA REPORT**

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### **SUBJECT/TITLE:**

**2005/2006 SAN LUIS OBISPO COUNTY GRAND JURY REPORT**

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### **RECOMMENDATION:**

By motion and roll call vote to Consent Calendar, approve and endorse Chief Cortez's response.

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### **EXECUTIVE SUMMARY:**

The 2005/2006 SLO County Grand Jury Report requires responses from both the Pismo Beach Police Department and the Pismo Beach City Council on the report titled Restraining Orders, "Paper Thin Protection".

The report, with its recommendations and required responses, is pages 161-170 of the overall County Grand Jury Report which includes some 25 various reports.

The staff recommends that the City Council endorse Chief Cortez's response and approve it also as the Council's response.

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### **FISCAL IMPACT:**

Not Applicable

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### **OPTIONS:**

1. Approve and endorse Chief Cortez's response to the report.
  2. Provide other direction to the staff.
- 

### **ATTACHMENTS:**

1. Grand Jury Report titled Restraining Order, "Paper Thin Protection" with appendices A through E.
  2. Pismo Beach Chief of Police response to Grand Jury Report.
- 

**Prepared by:** Kevin M. Rice, City Manager

**Meeting Date:** September 5, 2006

**City Manager Approval:**

A handwritten signature in blue ink that reads "Kevin M. Rice".

June 16, 2006

The Honorable Michael L Duffy  
Presiding Judge  
San Luis Obispo Superior Court  
1050 Monterey Street, Room 355  
San Luis Obispo, CA 93408

Dear Judge Duffy:

Please accept this paper as the Pismo Beach Police Department's response to the Findings and Recommendations presented by the 2005-06 San Luis Obispo County Grand Jury inquiry into restraining orders.

As a long time peace officer I have witnessed the strong and beneficial evolution of enhanced domestic violence laws, as well as a significant increase in the quality of training, education, and awareness of domestic violence issues offered to our dispatchers and officers. Although there is still room for improvement, law enforcement's education, awareness, and responsiveness toward crimes of domestic violence may now be the best it's ever been.

We thank each of the Grand Jury members for the valuable service they provide to our citizenry.

## **FINDINGS**

### **1. Disagree with the Grand Jury Finding**

The Pismo Beach Police Department is a participant in the District Attorney's County-wide Domestic Violence Protocol, which requires our officers to provide victims of domestic violence written information about their rights, as well as the availability of support resources. This official information is provided in both Spanish and English. Our Department Manual also mandates that officers comply with the requirements of California Penal Code § 13701, pertaining to the furnishing of written resource information to the victims of domestic violence.

### **3. Disagree with the Grand Jury Finding**

The Pismo Beach Police Department's percentage of arrests of domestic violence offenders is at a higher rate (7.1%) than our percentage of the county's census population (3.6%), and higher than our countywide percentage of domestic violence calls (5.6%).

## **RECOMMENDATIONS**

### **2. Agree with the Grand Jury Recommendation**

The Pismo Beach Police Department agrees that domestic violence training should be readily available and needs to be considered an essential element in training. This is already the case in our department. Each law enforcement officer and dispatcher receives training and testing in domestic violence laws during their basic academy training, as well as during their field training process. Additionally, in-service refresher training occurs regularly, and new law and case law updates are provided to each law enforcement officer, dispatcher, and first responder.

### **3 Agree with the Grand Jury Recommendation**

The Pismo Beach Police Department's percentage of restraining orders is at a higher rate (20.9%) than our percentage of the county's census population (3.6%), and higher than our countywide percentage of domestic violence calls (5.6%). Only one other police agency in the county had a higher percentage of restraining orders in the system than PBPD. The high level of restraining orders sought by Pismo Beach police officers is a direct result of their heightened awareness of the need for restraining orders in domestic violence incidents.

### **4 Agree with the Grand Jury Recommendation**

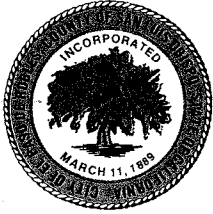
Officers of the Pismo Beach Police Department are instructed and required to comply with all federal and state laws to ensure that batterer's surrender their firearms.

Again, I thank the Grand Jury members for the service they render to the residents of San Luis Obispo County. I believe we have been well served. If I may answer any questions or concerns regarding our response to the findings and recommendations please do not hesitate to contact me.

Sincerely,

Joseph A. Cortez  
Chief of Police

Cc: City Manager Kevin Rice



# CITY OF EL PASO DE ROBLES

*"The Pass of the Oaks"*

July 28, 2006

Honorable Roger Picquet  
Presiding Judge  
San Luis Obispo Superior Court  
County Government Center  
San Luis Obispo, Ca. 93408

Dear Judge Picquet:

Please accept this letter in official response to the 2005/06 San Luis Obispo County Grand Jury's report, findings and recommendations concerning "Restraining Orders" and domestic violence policy and procedures.

In reviewing the Grand Jury's final report and Paso Robles Police Chief Dennis Cassidy's response to the, two (2) findings and three (3) recommendations directed to the Paso Robles Police Department, I find the Department's response adequately and appropriately addresses the findings and recommendations.

I also would like to thank the Grand Jury for their efforts to identify concerns and bring them to the attention of our organization. Through this process we can better address and improve the public safety response to domestic violence issues and enhance customer service to the citizens of our community.

If you have any questions or concerns regarding my response and/or Chief Cassidy's response, please do not hesitate to call.

Sincerely,

James L. App  
City Manager

Cc: Grand Jury  
City Council



Dennis Cassidy  
Chief of Police

# PASO ROBLES POLICE DEPARTMENT

June 28, 2006

Honorable Roger Picquet  
Presiding Judge of the Superior Court  
County Government Center  
San Luis Obispo, Ca. 93408

Dear Judge Picquet,

I would like to thank you and the Grand Jury for inquiring and making suggestions for improvement to policies and procedures to San Luis Obispo Law Enforcement agencies. The information provided allows us to review our policies and protocols concerning these issues, and make appropriate changes and refinements where necessary. The Grand Jury has been extremely helpful in this endeavor.

The following is my official response to the 2005-2006 Grand Jury Final Report findings and recommendations concerning restraining orders.

## **FINDINGS:**

- 1. Victims of Domestic Violence are often not well informed about resources and community support available to them. They are also reluctant to report incidents of abuse for fear of escalating violence, embarrassment, and/or possible separation from their children.**

I disagree that victims of domestic violence are not well informed of the resources and community support available to them. Our officers provide victims of violent crimes with an information card that identifies those resources and support offered through the SLO County District Attorney's Victim/Witness program.

I agree that many victims of domestic violence are reluctant to report incidents of domestic violence for the reasons cited, however educational efforts and available programs have made great improvements by encouraging victims to report.

- 3. Arrests for domestic violence by law enforcement is inconsistent across law enforcement agencies. (Appendix A)**

I disagree that arrests for domestic violence are significantly inconsistent across law enforcement agencies. Arrests are based on evidence, witness statements and probable cause. While there may be variances in the numbers or percentages of arrests, they do not necessarily reflect inconsistencies. Further study would be needed to determine the accuracy of this finding.



## **RECOMMENDATIONS:**

2. **Domestic violence training for law enforcement officers, dispatchers and first responders is readily available and needs to be considered an essential element in their training. (Finding 3)**

The Paso Robles Police Department considers domestic violence training an essential element of officer and dispatcher training. We will continue to send our personnel to available domestic violence training to meet or exceed the State mandate.

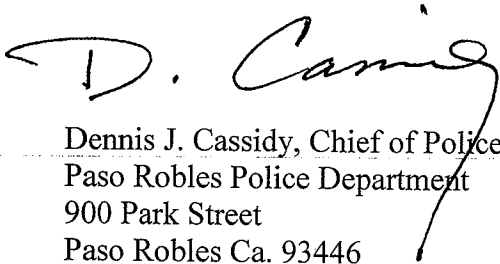
3. **Training for law enforcement officers should include a heightened awareness of the need for EPOs, where appropriate, in handling incidences of domestic violence. (Appendix E). When issuing EPOs, law enforcement should distribute bilingual brochures describing the steps to be taken to ensure the safety of each party present at the scene. (Findings 1 & 3)**

Our training does include the importance of EPO's and will continue to do so. We currently distribute a victim information/resource card to victims of domestic violence available in English and Spanish. We encourage victims to seek the assistance provided them on these handouts. We also encourage victims to contact the North County Women's Shelter and Resource Center and provide them with information to do so.

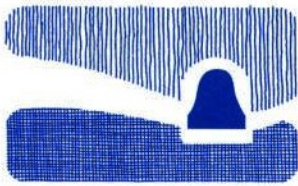
4. **Law Enforcement officers should make every effort to insure that batterers surrender their firearms, in accordance with federal and state law. (Finding 4)**

Yes they should, and we will continue to train and monitor our officers' efforts in this area.

Yours for Professional Law Enforcement,



Dennis J. Cassidy, Chief of Police  
Paso Robles Police Department  
900 Park Street  
Paso Robles Ca. 93446



# city of san luis obispo

990 Palm Street, San Luis Obispo, CA 93401-3249

September 5, 2006

The Honorable Roger Picquet, Presiding Judge  
San Luis Obispo County Superior Court  
County Government Center  
San Luis Obispo, CA 93408

Re: 2005-2006 Grand Jury Report  
Restraining Orders: Paper Thin Protection

Dear Judge Picquet:

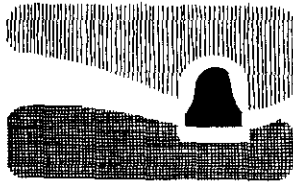
The San Luis Obispo City Council has reviewed the Grand Jury Report "Restraining Orders: Paper Thin Protection" and the responses submitted by our Chief of Police Deborah Linden. The City Council concurs with the Police Chief's responses and we have no additional comments to submit. At our September 5, 2006, meeting, the City Council authorized me to direct this letter to you in accordance with Penal Code §933(c).

The City Council appreciates the work of the Grand Jury on this report.

Sincerely,

Dave Romero, Mayor  
City of San Luis Obispo





# city of san luis obispo

POLICE DEPARTMENT

1042 Walnut St., San Luis Obispo, CA 93401 • (805) 781-7317

August 7, 2006

The Honorable Roger Picquet, Presiding Judge  
San Luis Obispo County Superior Court  
County Government Center  
San Luis Obispo, CA 93408

Re: 2005-2006 Grand Jury Report  
Restraining Orders: Paper Thin Protection

Dear Judge Picquet:

In accordance with Penal Code §933(c), the following is the City of San Luis Obispo Police Department's response to the 2005-2006 Grand Jury Report titled "Restraining Orders: Paper Thin Protection." The Police Department appreciates the work of the Grand Jury on this very important topic.

## FINDINGS

**Finding 1: The Police Department agrees with the finding, as it pertains to victims of domestic violence prior to reporting.**

Many victims of domestic violence are reluctant and often fearful of reporting the abuse to law enforcement and they may not be aware of assistance and protection available to them. However, once the Police Department is made aware of a domestic violence situation, either from the victim or a witness, the responding officers provide the victim with resource information to assist them, including shelter and counseling services and assistance with obtaining a restraining order. The information is provided to the victim in the form of a written card that is available in both English and Spanish.

**Finding 3: The Police Department agrees with the finding.**

The number of domestic violence arrests varies among the different jurisdictions in the county, as does the number of domestic violence calls which are greater in some areas than in others. However, the difference in arrests does not necessarily indicate a difference in enforcement procedures or priorities. Jurisdictions that experienced higher numbers of domestic violence calls also made more domestic violence arrests, as may be expected. In addition, the circumstances surrounding each domestic violence case may differ significantly and each case must be carefully evaluated in order to determine if an arrest is warranted. In some cases, an arrest is not

*"Service, Pride, Integrity"*



The City of San Luis Obispo is committed to include the disabled in all of its services, programs and activities.  
Telecommunications Device for the Deaf (805) 781-7410

possible or prudent, such as when an offender flees the scene and cannot be located, or when there are significantly conflicting statements or evidence.

## **RECOMMENDATIONS**

### **Recommendation 2: The recommendation has been implemented.**

Police officers and dispatchers receive initial domestic violence training in their respective academies. Once they begin working for the San Luis Obispo Police Department, they receive additional training as part of their field training programs. In addition, the Police Department provides frequent in-service training to officers and dispatchers during their shift briefings, including training on Emergency Protective Orders (EPOs). There have been seven such training sessions since 2004. Officers and dispatchers are also guided by department Operations Directives and (policies and procedures) and Dispatch Call Guides pertaining to domestic violence.

In February 2006, the Police Department requested state certification from the California Commission on Peace Officer Standards and Training (POST) for a Domestic Violence Update class for all officers and dispatchers. In April, the POST certification was granted and this training will be completed this year.

The San Luis Obispo Police Department recognizes the need for on-going and frequent training in domestic violence response and the issuance of emergency protective orders. As a result of the training our personnel have already received, they are well educated in the laws pertaining to domestic violence and EPOs. Officers routinely and consistently offer EPOs to domestic violence victims, provide resource information to them, and make arrests for domestic violence offenses when appropriate. We will continue to seek training opportunities to further the skills and knowledge of our personnel in this area.

### **Recommendation 3: The recommendation has been implemented.**

The training provided to officers includes the purpose of EPOs, and the procedures for issuing them. When officers respond to domestic violence calls and an EPO is warranted, they offer one to the victim and explain the associated procedures. Officers provide the victim with a copy of the EPO and explain the terms to them. The EPO form includes instructions to both the protected and the restrained parties in English and Spanish. In addition, the resource cards provided to domestic violence victims are printed in English and Spanish. The Police Department will continue to reinforce the importance of EPOs in our on-going domestic violence training for officers.

**Recommendation 4: The recommendation has been implemented to the best of our ability under existing law.**

Persons who are subject to a restraining order are prohibited from owning, possessing, or purchasing firearms, and they may be ordered by the court to surrender to police or sell to a licensed gun dealer any firearms in their possession. Officers have the legal ability to seize such weapons when they observe them in plain view, obtain them by consent of the owner, or receive them from the owner or someone else in possession of the weapons. When officers are at the scene of a domestic violence situation, they ask the victim (and often the suspect) if there are firearms present in the residence. If the officers can legally seize the firearms, they do so. However, absent consent from the residents, officers cannot legally search the residence for firearms not in plain view.

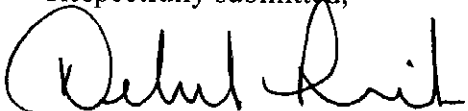
It is sometimes possible to obtain a search warrant for an offender's home; however the officer would need probable cause to believe that the restrained person was in violation of the court order by possessing firearms and not surrendering them, and that the identified firearms were inside the offender's home. Depending on the circumstances, it may be very difficult to develop the probable cause needed to obtain a search warrant under these circumstances.

Currently, officers are diligent about seizing firearms when they are legally able to do so. However, it is not possible to ensure weapons are seized or surrendered in every case due to the legal restraints (including those afforded by the 4<sup>th</sup> Amendment to the United States Constitution) on the officers' ability to search offenders' residences.

**CONCLUSION**

Thank you for this opportunity to comment on the Grand Jury's report. Should you or any member of the Grand Jury have any additional questions, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Deborah Linden', written over a horizontal line.

Deborah Linden  
Chief of Police

Cc: City Council  
CAO Ken Hampian

# COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

## AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Administration		(2) MEETING DATE August 22, 2006		(3) CONTACT/PHONE Vincent Morici, 781-5020	
(4) SUBJECT Request to approve recommended responses to a single finding and a single recommendation contained in the report on the San Luis Obispo County Jail and Honor Farm, and to forward the responses to the Presiding Judge of the Superior Court.					
(5) SUMMARY OF REQUEST The Grand Jury has prepared a report addressing the San Luis Obispo County Jail and Honor Farm. The Grand Jury requests a response from the Sheriff-Coroner and the Board of Supervisors to the one finding and one recommendation contained in the report.					
(6) RECOMMENDED ACTION It is recommended that your Board approve the attached responses and forward these responses to the Presiding Judge of the Superior Court.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): The Sheriff-Coroner was consulted during the preparation of the response to the Grand Jury report.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board <input type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A    Date _____
(23) ADMINISTRATIVE OFFICE REVIEW <i>OK - Jim Grant</i>					

8-22-06

B-3

# County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



**TO:** Honorable Board of Supervisors

**FROM:** Vincent Morici, Administrative Analyst

**DATE:** August 22, 2006

**DAVID EDGE**  
COUNTY ADMINISTRATOR

**SUBJECT:** Response to the 2005-2006 Grand Jury Report on the San Luis Obispo County Jail and Honor Farm.

## **RECOMMENDATION**

Staff recommends that the Board of Supervisors adopt the attached response as the Board of Supervisors' response to the report on the San Luis Obispo County Jail and Honor Farm and forward the response to the Presiding Judge of the Superior Court.

## **DISCUSSION**

The Grand Jury reviewed the operation of the County jail and honor farm and issued a report that includes one finding and one recommendation. Overall, the Grand Jury found that the jail "appears to be an efficient, well-managed facility staffed by conscientious and motivated professionals." However the, report includes a finding and a recommendation that deal with the issue of crowded conditions at the women's jail. The Grand Jury has required that the Sheriff-Coroner and the Board of Supervisors respond to the finding and recommendation contained in the report.

Attached to this report is a copy of the Sheriff-Coroner's response to the Grand Jury report. After evaluating the Grand Jury report, staff has prepared a recommended Board of Supervisors' response to the finding and recommendation of the report. The recommended Board of Supervisors response to the Grand Jury Report is contained in Attachment 1. The Sheriff-Coroner response is shown as Attachment 2.

## **OTHER AGENCY INVOLVEMENT**

The Sheriff-Coroner was contacted as part of the evaluation of the response to this report.

## **FINANCIAL CONSIDERATIONS**

The cost of constructing a new women's jail is estimated to be in the range of \$14 to \$20 million. The Board of Supervisors has recently allocated \$1.29 million dollars for the design of a new women's jail facility. The state continues to consider issuing a bond to assist with the construction of local jail facilities since the issue of local jail overcrowding is a statewide issue. The recently authorized work on the women's jail

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2

will aid the county to be in a position to qualify for state funds should they become available.

## **RESULTS**

Adoption of the findings and recommendations will fulfill the County's obligation to respond to Grand Jury reports as specified in Section 933 of the Penal Code and contributes to the County's communitywide goal of having a well-governed community.

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3



# BOARD OF SUPERVISORS

COUNTY GOVERNMENT CENTER, 1055 Monterey, Room D430 • SAN LUIS OBISPO, CALIFORNIA 93408  
(805) 781-5450 • FAX: (805) 781-1350



TO: The Honorable Rodger Piquet,  
California Superior Court, San Luis Obispo County

FROM: County of San Luis Obispo Board of Supervisors  
Katchik "Katcho" Achadjian, Chairman

DATE August 22, 2006

RE: 2005-2006 Grand Jury Report - San Luis Obispo County Jail and Honor Farm.

Thank you for the opportunity to respond to the Grand Jury report related to the County of San Luis Obispo Jail and Honor Farm. This memo is the County Board of Supervisors response to the report. The Sheriff-Coroner has responded to this report and sent his response to you separately. A copy of his response is also included with this report.

## Grand Jury Finding 1

*The jail is overcrowded, particularly in the women's section, where inmates sleeping on mattresses placed on the floor is a daily occurrence. Plans to expand the women's section appear to have stalled at the design stage for which funds were allotted several years ago.*

## Board of Supervisors' response to Finding1

The Board partially agrees with this finding. We agree that there are times when the jail, particularly the female jail, experiences overcrowding. The county provided dollars to begin a program to develop a new women's jail as part of the 1999-2000 fiscal year budget. A Master Plan of the County Operational Area on Kansas Avenue looked at the land planning for future facilities, including the women's' jail. This Master Plan was completed in 2001. A master planning effort specific to the overall property of the main jail was begun and completed in 2004. A women's jail design program was begun in 2004 and completed in 2005. During Fiscal Year 2005-2006, the county sought request for qualifications for firms to engineer and design a women's jail facility. In July of 2006, the county approved a contract to design a women's jail and approved the expenditure of up to \$1.29 million dollars for this purpose. Work toward the development of a women's jail has been progressing in phases.

Many counties in this state struggle with jail overcrowding. Constructing and staffing jail facilities is expensive. San Luis Obispo County has taken prudent and appropriate steps toward the construction of a new women's jail facility.

ATTACHMENT 1

B-3  
4

Grand Jury Recommendation 1

*The Board of Supervisors should place a high priority on funding the expansion of the women's jail, and construction should begin as soon as possible.*

Board of Supervisors response to Recommendation 1

This recommendation has been partially implemented. The Board of Supervisors does place a high priority on the construction of a new women's jail as can be seen by the allocation of \$1.29 million for the design and architectural services as the necessary first step. At the same time, the Board has a responsibility to assure that the jail can be constructed in a manner that preserves the maximum amount of local dollars so that other services and needs can be balanced with the need to construct the jail. To this end, the Sheriff and the county have been working with other counties and the state in the effort to find an overall financing solution for the cost of constructing local jail facilities. The Governor's Strategic Growth Plan outlined in his December budget included 4 billion in General Obligation bonds specifically for the purpose of local jail construction. While this was not included in the Governor's revised budget or in the budget adopted by the legislature, there remains considerable momentum within the state to have a statewide solution to the issue of jail over crowding. Staff will continue to pursue a cooperative effort with the state to fund the construction of a women's jail. The process to get a state bond approved by the voters will involve one or more years. Nonetheless, the county is committed to constructing a new women's jail and will continue working toward this end.

B-3  
5

August 8, 2006

The Honorable Roger Picquet  
Presiding Judge of the Superior Court  
County Government Center  
San Luis Obispo, California 93408

**RESPONSE TO 2005-2006 GRAND JURY REPORT - SAN LUIS OBISPO  
COUNTY JAIL AND HONOR FARM**

Dear Judge Picquet:

I have received and reviewed the above entitled Grand Jury report. The report focused on both the men's and women's main jail facility and the honor farm facility, both located on Kansas Avenue in rural San Luis Obispo.

Responses to specific findings and recommendations as required are as follows:

Findings

*The jail is overcrowded, particularly in the women's section, where inmates sleeping on mattresses placed on the floor is a daily occurrence. Plans to expand the women's section appear to have stalled at the design stage for which funds were allotted several years ago.*

The department partially agrees with this finding. The department agrees that the men's and women's jails are overcrowded, however the department disagrees that plans to expand the women's section appear to have stalled, as a facility design contract has been awarded and a design team is in place, is meeting regularly and is moving forward.

PAGE 2 - RESPONSE TO GRAND JURY REPORT - SAN LUIS OBISPO COUNTY  
JAIL AND HONOR FARM

ATTACHMENT 2

B-3  
6

Recommendations

*The Board of Supervisors should place a high priority on funding the expansion of the women's jail, and construction should begin as soon as possible.*

While the department agrees that funding and construction of the women's jail should be a high priority and is committed to working with County Administration, General Services, Auditor and the Board of Supervisors to that end, the recommendation will not be implemented by the Sheriff's Department as the authority to approve capital improvement projects such as facility expansion remains with the Board of Supervisors.

Sincerely,

Patrick Hedges  
Sheriff-Coroner

PH/sb

B-3  
7

August 8, 2006

The Honorable Roger Picquet  
Presiding Judge of the Superior Court  
County Government Center  
San Luis Obispo, California 93408

**RESPONSE TO 2005-2006 GRAND JURY REPORT - SAN LUIS OBISPO  
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Responses to specific findings and recommendations as required are as follows:

Findings

*The jail is overcrowded, particularly in the women's section, where inmates sleeping on mattresses placed on the floor is a daily occurrence. Plans to expand the women's section appear to have stalled at the design stage for which funds were allotted several years ago.*

The department partially agrees with this finding. The department agrees that the men's and women's jails are overcrowded, however the department disagrees that plans to expand the women's section appear to have stalled, as a facility design contract has been awarded and a design team is in place, is meeting regularly and is moving forward.

**PAGE 2 - RESPONSE TO GRAND JURY REPORT - SAN LUIS OBISPO COUNTY  
JAIL AND HONOR FARM**

Recommendations

*The Board of Supervisors should place a high priority on funding the expansion of the women's jail, and construction should begin as soon as possible.*

While the department agrees that funding and construction of the women's jail should be a high priority and is committed to working with County Administration, General Services, Auditor and the Board of Supervisors to that end, the recommendation will not be implemented by the Sheriff's Department as the authority to approve capital improvement projects such as facility expansion remains with the Board of Supervisors.

Sincerely,

Patrick Hedges  
Sheriff-Coroner

PH/sb

*Admin  
D. Buckle*

**BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, July 18, 2006

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall, James R. Patterson, and  
Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

In the matter of Consent Agenda:

Consent Agenda Items B-38 and B-39 are added to the Consent Agenda.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and on the following roll call  
vote:

AYES: Supervisors Ovitt, Lenthall, Bianchi, Patterson, Chairperson Achadjian

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-39 are approved as recommended by the County Administrative  
Officer and as amended by this Board.

Consent Agenda Items B-1 through B-39, as amended, are on file in the Office of the County Clerk-Recorder and  
are available for public inspection.

File  
7/18/2006 cmc

STATE OF CALIFORNIA )

) ss.

County of San Luis Obispo )

I, **JULIE L. RODEWALD**, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the  
County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy  
of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 18th day of July, 2006.

(SEAL)

**JULIE L. RODEWALD**

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: *Wandy Curren* Deputy Clerk

5 B-1 thru B-39  
07/18/2006  
B-5

CONSENT AGENDA – REVIEW AND APPROVAL

The routine items listed on the consent portion of the agenda are scheduled for consideration as a group. Recommendations are shown for each item. Any Supervisor may request any item be withdrawn from the Consent Agenda to permit discussion or change the recommendation course of action.

**I. CONSENT AGENDA**

Unless an item is pulled for separate action by the Board, the following recommendations are approved without discussion.

Items set for bid opening and hearing:

- B-1 Submittal of a resolution of intention to vacate a portion of Vineyard Drive, County Road No. 5156 near the Town of Templeton; 1<sup>st</sup> District. (RECOMMEND APPROVAL AND INSTRUCT CLERK TO GIVE NOTICE OF HEARING DATE SET FOR AUGUST 15, 2006 AT 9:00 A.M.)
- B-2 Letter transmitting plans and specifications (Clerk's File) for the expansion of the Juvenile Services Center at the County Operational Center; 3rd District. (RECOMMEND APPROVAL AND INSTRUCT CLERK TO GIVE NOTICE OF BID OPENING SET FOR AUGUST 17, 2006 AT 3:00 P.M.)

Administrative Office Items:

- B-3 Request to approve an amended contract with Carl Warren & Co. (Clerk's File) extending the contract for liability program administration services. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)
- B-4 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on the Area Advisory Council Resolution. (RECOMMEND APPROVAL.)
- ✓ B-5 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on the future of foster children. (RECOMMEND APPROVAL.)
- B-6 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on bicycle riding in the county. (RECOMMEND APPROVAL.)
- B-7 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on community schools. (RECOMMEND APPROVAL.)

Auditor-Controller Items:

- B-8 Submittal of an audit report on the District Attorney's Worker's Compensation Insurance Fraud Program Grant for the period July 1, 2004 through June 30, 2005. (RECOMMEND ITEM BE RECEIVED AND FILED.)
- B-9 Submittal of an audit report on the District Attorney's Worker's Spousal Abuser Prosecution Program Grant for the period July 1, 2004 through June 30, 2005. (RECOMMEND ITEM BE RECEIVED AND FILED.)



**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

DEPARTMENT Administrative Office	(2) MEETING DATE July 18, 2006	(3) CONTACT/PHONE Dan Buckshi (805) 781-5011	
(4) SUBJECT Request to approve recommended responses to the 2005-2006 Grand Jury Report on "The Future of Foster Children", and to forward the responses to the Presiding Judge of the Superior Court			
(5) SUMMARY OF REQUEST The Grand Jury has prepared a report addressing the "The Future of Foster Children." The report addresses issues related to foster children who turn 18 and emerge from the foster care system. The report directs the Board of Supervisors to respond to six findings and two recommendations contained in the report.			
(6) RECOMMENDED ACTION The Board of Supervisors adopt the Health Agency's, the Probation Department's and the Department of Social Services' responses (Attachments 1-3) as the Board of Supervisors' response to the 2005-2006 Grand Jury Report titled "Aging Out: The Future of Foster Children", and forward these responses to the Presiding Judge.			
(7) FUNDING SOURCE(S) N/A	(8) CURRENT YEAR COST N/A	(9) ANNUAL COST N/A	(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Health Agency, Probation Department, Department of Social Services			
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____			
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All	(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(15) Maddy Act Appointments Signed-off by Clerk of the Board <input checked="" type="checkbox"/> N/A	
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A	
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____		(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	(22) Agenda Item History <input checked="" type="checkbox"/> N/A    Date _____
(23) ADMINISTRATIVE OFFICE REVIEW			

7-18-06  
B-5

# County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



**DAVID EDGE**  
COUNTY ADMINISTRATOR

TO: Board of Supervisors

FROM: David Edge, County Administrative Officer

DATE: July 18, 2006

SUBJECT: Response to the 2005-2006 Grand Jury Report on "The Future of Foster Children."

## **RECOMMENDATION**

The Board of Supervisors adopt the Health Agency's, the Probation Department's and the Department of Social Services' responses (Attachments 1-3) as the Board of Supervisors' response to the 2005-2006 Grand Jury Report titled "Aging Out: The Future of Foster Children", and forward these responses to the Presiding Judge.

## **DISCUSSION**

The Grand Jury issued its report June of 2006, which required responses from the County Health Agency, Probation Department, the Department of Social Services, and the Board of Supervisors. The Board of Supervisors is required to respond to six of the seven report findings (Findings 1, 3, 4, 5, 6 and 7) and two of the four recommendations (Recommendations 1 and 3). Additionally, the report required that Cuesta College and the County Office of Education respond to the findings and recommendations in the report. These latter two responses are not included in this letter, as these two entities will respond independent of the County.

It is recommended that the Board of Supervisors adopt the responses from these three County departments as its response to the 2005-2006 Grand Jury Report.

## **OTHER AGENCY INVOLVEMENT**

The Health Agency, Probation Department, and Department of Social Services completed responses as required by the Grand Jury.

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2

**FINANCIAL CONSIDERATIONS**

None, the actions stated in the attached responses do not have a fiscal impact.

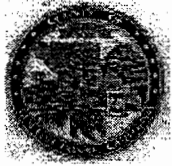
**RESULTS**

Approval of the Grand Jury response will assure the County's compliance with the California Penal Code.

**Attachments:**

- (1) Health Agency's response
- (2) Probation Department's response
- (3) Department of Social Services' response

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3



**MENTAL HEALTH DEPARTMENT**  
1011 Pacific Street. San Luis Obispo, Ca 93401  
805/781-4719

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DATE: June 29, 2006

TO: Dan Buckshi, Administrative Analyst

FROM: Karen Baylor, Ph.D., MFT, Behavioral Health Administrator

SUBJECT: Response to Grand Jury Report

This is provided as the required response to the Grand Jury's Report: "Aging Out: The Future of Foster Children". The Grand Jury's report contains seven findings and four recommendations. The Mental Health Department was instructed to respond to six of those findings and one of the recommendations.

**Finding 1: Many former foster teens are either homeless, or because of substance abuse or other issues, are now in jails, prisons or mental institutions.**

Response: The Mental Health Department partially disagrees with this finding. While data from some national studies support this statement, the Department does not have any data regarding former foster teens for San Luis Obispo County that would support this finding.

**Finding 2: No response required from the Mental Health Department**

**Finding 3: Many former foster teens do not have support group or relatives to return to or (sic)**

Response: The Mental Health Department agrees with this finding.

**Finding 4: Many former foster teens have difficulty traveling to Cuesta College to take advantage of the programs offered.**

Response: The Mental Health Department partially disagrees with this finding in that the Department does not have any data regarding former foster teens for San Luis Obispo County that would support this finding.

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4

**Finding 5: Many former foster girls become pregnant soon after leaving foster care.**

Response: The Mental Health Department partially disagrees with this finding. While data from some national studies support this statement, the Department does not have any data regarding former foster teens for San Luis Obispo County that would support this finding.

**Finding 6: Many former foster teens have severe mental illness problems that interfere with their ability to hold a job, find housing and support themselves.**

Response: The Mental Health Department partially disagrees with this finding. While there is the perception that former foster teens have a mental illness due to the past trauma in their lives and there are national studies that support this statement, the Department does not have any data as it applies to San Luis Obispo County.

**Finding 7: Many former foster teens turn to prostitution or other crimes to get money for food and rent.**

Response: The Mental Health Department partially disagrees with this finding. While data from some national studies support this statement, the Department does not have any data regarding former foster teens for San Luis Obispo County that would support this finding.

**RECOMMENDATION 1: A task force should be formed to provide leadership in addressing the problem of housing for teens aging out of foster care. This task force could be instrumental in seeking grants for residential living in individual or shared apartments with resident advisors.**

Response: This recommendation has already been implemented although additional work needs to be done. The Department of Social Services is engaged in a number of initiatives that address this issue and has a Permanency Committee. The Mental Health Department also has a Placement Committee with a variety of community partners as members through the SAFE program.

The Mental Health Department was recently notified that the Community Services and Supports Plan (CSS) of the Mental Health Services Act was approved by the state. With the implementation of the CSS Plan, there will be services including housing provided to transitional age youth with mental illness. The Transition Age Youth Full Service Partnership (TAY FSP) will provide

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wraparound-like services for 16 to 21 year olds with serious emotional disturbances/serious mental illness. The goal of the new TAY FSP is to identify early on those who are, or at risk of, having difficulty with the process of transition to adulthood. TAY FSP participants will receive intensive services designed with them to help secure a place to live, work and learn in their community. Each participant will meet with his/her team to design his/her personal service plan which may include goals and objectives that address improving family relationships, securing housing, job readiness, completion/continuation of education, vocational skill building, independent skill building, learning how to understand and use community resources, financial/legal counseling as well as traditional mental health services such as medication supports, crisis services, case management and therapy.

The Mental Health Department will coordinate with existing housing contractors to provide housing for FSP participants. The goal is have the participants take personal responsibility and make good choices about their lives when provided with housing, services and supports they need. This program is transformative and advances the goals of MHSA by enhancing and expanding services that are relevant to TAYs at this critical developmental stage.

#### **Conclusion:**

The Mental Health Department appreciates the Grand Jury educating the public on identifying problems with the foster care system at the national level. The Mental Health Department recognizes that while action has been taken to address these issues locally, there is always more that needs to be done. The Mental Health Department will be implementing the TAY FSP program within the next several months. The Department is extremely excited to be able to provide these services to an underserved population.

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# PROBATION DEPARTMENT

*"Protection, Service & Accountability"*

Main Office (805) 781-5300 ~ 2176 Johnson Ave., San Luis Obispo, CA 93408  
Juvenile Services Center (805) 781-5352 ~ 1065 Kansas Ave., San Luis Obispo, CA 93408  
Juvenile Hall (805) 781-5389 ~ 1065 Kansas Ave., San Luis Obispo, CA 93408



Kim Barrett  
Chief Probation Officer

Myron Nalepa  
Assistant Chief

DATE: June 29, 2006

TO: Vince Morici, Administrative Analyst

FROM: Kim Barrett, Chief Probation Officer

SUBJECT: Response to Grand Jury Report: "Aging Out: The Future of Foster Children"

This is provided as the required response to the Grand Jury's Report: "Aging Out: The Future of Foster Children." The Grand Jury's report contains seven findings and four recommendations. It has been requested we respond to six of those findings and one recommendation.

**Finding 1: Many former foster teens are either homeless, or because of substance abuse or other issues, are now in jails, prisons or mental institutions.**

The Department disagrees partially with this finding. While we are aware of data from national studies that support this statement, there is no reliable data available that would support this statement as it applies to San Luis Obispo County.

**Finding 3: Many former foster teens do not have a support group or relatives to return to or (sic)**

The Department agrees with this finding.

**Finding 4: Many former foster teens have difficulty traveling to Cuesta College to take advantage of the programs offered.**

The Department disagrees partially with this finding. While there may be a "sense" that this is true, there is no data to support this conclusion.

**Finding 5: Many former foster girls become pregnant soon after leaving foster care.**

The Department disagrees partially with this finding. While we are aware of data from national studies that support this statement, there is no data that would support this statement as it applies to San Luis Obispo County.

**Finding 6: Many former foster teens have severe mental health problems that interfere with their ability to hold a job, find housing and support them.**

The Department disagrees partially with this finding. While we are aware of data from national studies that support this statement, there is no reliable data that would support this statement as it applies to San Luis Obispo County. However, we do know that we do have former foster teens for which this is true. It is our hope the Transitional Age Youth program through the Mental Health Services Act, which is due to be implemented within the next few months will address this issue with any of our youth who are mentally ill and transitioning out of foster care.

**Finding 7: Many former foster teens turn to prostitution or other crimes to get money for food or rent.**

The Department disagrees partially with this finding. While we are aware of data from national studies that support this statement, there is no reliable data that would support this statement as it applies to San Luis Obispo County.

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**Recommendation 1:** A task force should be formed to provide leadership in addressing the problem of housing for teens aging out of foster care. This task force could be instrumental in seeking grants for residential living in individual or shared apartments with resident advisors.

This recommendation has already been implemented, although additional work needs to be done. The Probation Department participates in the Permanency Committee developed by the Department of Social Services. This committee is implementing procedures and policies to ensure that every child has an identified permanent home within 120 days of entering foster care. We also partner with Family Care Network who provides housing (apartments with residential advisors) for teens aging out of the foster care system. The Transitional Age Youth needs have been discussed through our collaborative processes (Placement Committee, Mental Health Services Act, CPOC, etc.), resulting in both the Probation Department and the Behavioral Health Agency implementing Transitional Age Youth caseloads and specialized services in the new fiscal year. This issue is discussed and updated through the Children's Services Network as an ongoing need that all agencies work diligently together to address. The Leadership is being provided by the agencies that serve these youth.

**Conclusion:**

The Probation Department appreciates the Grand Jury educating the public on these issues and the nationwide data that supports them. It is important to note that local agencies and individuals have taken action to address these concerns, proactively responding to national trends to ensure the foster care youth of San Luis Obispo County needs are met to the best of our ability. There will always be work to be done in this arena and we will continue to work diligently on this issue.

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# DEPARTMENT OF SOCIAL SERVICES

3433 South Higuera Street, P.O. Box 8119, San Luis Obispo, CA 93403-8119

DATE: June 28, 2006  
TO: David Edge, County Administrative Officer  
FROM: Lee Collins, DSS Director  
SUBJECT: Response to Grand Jury Report

This is provided as the required response to the Grand Jury's Report: "Aging Out: The Future of Foster Children." The Grand Jury's report contains seven findings and four recommendations. We are required by the Grand Jury to respond to six of those findings and to two of the recommendations.

The Department of Social Services appreciates the interest of the Grand Jury in the state of Child Welfare Services generally and in the well-being of foster children, specifically. We would note that the Grand Jury might have been better informed—and the public better served as a consequence—had they considered interviewing members of the Department's management staff in their pursuit of this analysis.

Because they did not, their report fails to include information concerning major initiatives and program improvement activities that address the County's children. In this response, we will note these activities along with the caution that much work remains to be done.

Before we address the specifics of the Grand Jury report, we want also to comment on some of the report's sweeping conclusions about children in foster care. On page 4 of the report, for example, the Grand Jury states:

It is not uncommon to see teens living under bridges, sleeping in cars and creek beds, or dealing drugs. Many are just "on the run" until they exhaust their resources. Some teens, both male and female, turn to prostitution and other crimes to survive. Some run the risk of sexually transmitted diseases. Young women often become pregnant soon after leaving foster care.

While data from national studies support these generalizations, there is no reliable data that would support the Grand Jury's findings at the local level. Longitudinal studies have not been conducted, and there is nothing but purely anecdotal observations that could lend any credence to this finding. By using these sweeping comments to describe foster children, the Grand Jury risks stigmatizing the very children they wish to help. We would urge the residents of San Luis Obispo to read these descriptions of our community's children with appropriate skepticism.

**Finding 1: Many former foster teens are either homeless, or because of substance abuse or other issues, are now in jails, prisons or mental institutions.**

The Department disagrees partially with this finding. While we are aware of data from national

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studies that support this statement, there is no reliable data that would support this statement as it applies to San Luis Obispo County.

**Finding 2: (No response required by Social Services Department)**

**Finding 3: Many former foster teens do not have a support group or relatives to return to or (sic)**

The Department agrees with this finding.

In response, we have taken steps to improve familial bonds for children who must be removed from their biological parents. We know that children have the best outcomes when placed with family members; similarly we know that they have the worst outcomes when placed in group homes or other congregate care facilities.<sup>1</sup>

To address this, San Luis Obispo County was one of the first counties in California to implement the "Family to Family" model, developed by the Annie E. Casey Foundation. Strategies of F2F include Team Decision Making, in which family members are invited to join DSS staff and foster families to choose among placement options for children.

The County has been successful beyond our own projections in placing children with relatives, and reducing placements in group homes. There is no county in California that has a higher percentage of placements with relatives. Compare the County's data with Statewide data for the most recent quarter for which data is available:<sup>2</sup>

Percent of children whose primary placement is with relatives:

San Luis Obispo:	60.3%
California:	38.9%

Percent of children whose primary placement is in group home or shelter:

San Luis Obispo:	2.1%
California:	7.7%

Percent of children who are placed with some or all of their siblings:

San Luis Obispo:	77.8%
California:	67.8%

It is clear that San Luis Obispo County is leading the State in addressing these concerns. In fact, the

<sup>1</sup> See for example, National Institute of Mental Health Publication No. 01-4588, or on-line at <http://www.nimh.nih.gov/publicat/teens.cfm>

<sup>2</sup> Fiscal Year 2004/2005: Data available at [http://www.childsworld.ca.gov/CDSSCounty\\_1954.htm](http://www.childsworld.ca.gov/CDSSCounty_1954.htm)

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County has been chosen by the Stuart Foundation to be a "mentor county" for F2F in California, assisting other counties in implementing the proven strategies of the Family to Family program.

**Finding 4: Many former foster teens have difficulty traveling to Cuesta College to take advantage of the programs offered.**

The Department disagrees partially with this finding, on the basis that no evidence is provided in support of the conclusion.

**Finding 5: Many former foster girls become pregnant soon after leaving foster care.**

The Department disagrees partially with this finding. While we are aware of data from national studies that support this statement, there is no reliable data that would support this statement as it applies to San Luis Obispo County.

**Finding 6: Many former foster teens have severe mental health problems that interfere with their ability to hold a job, find housing and support themselves.**

The Department disagrees partially with this finding. While we are aware of data from national studies that support this statement, there is no reliable data that would support this statement as it applies to San Luis Obispo County.

We would note, however, that local stakeholders have identified Transitional Age Youth as a priority population for funding in a Full Service Partnership under the Mental Health Services Act. We also have worked closely with the Behavioral Health Division of the Health Agency, the County Administrative Office and the Board of Supervisors in welcoming the nationally known Kinship Center to San Luis Obispo County.<sup>3</sup>

**Finding 7: Many former foster teens turn to prostitution or other crimes to get money for food and rent.**

The Department disagrees partially with this finding. While we are aware of data from national studies that support this statement, there is no reliable data that would support this statement as it applies to San Luis Obispo County.

**Recommendation 1: A task force should be formed to provide leadership in addressing the problem of housing for teens aging out of foster care. This task force could be instrumental in seeking grants for residential living in individual or shared apartments with resident advisors.**

This recommendation already has been implemented, although additional work is required.

We would have appreciated the opportunity to inform the Grand Jury of some of the ongoing

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<sup>3</sup> Kinship Center will commence operations in Fiscal Year 2006/07. Please visit their website at <<http://www.kinshipcenter.org/>>

B-5  
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activities and consortia in which the Department is engaged, including the California Permanency for Youth Project, the New Ways to Work initiative and the Youth in Transition Task Force. These initiatives have helped us make significant ongoing progress in improving outcomes for children in care.

San Luis Obispo is one of thirteen counties in the State involved with the California Permanency for Youth Project. This Project offers technical assistance for counties who are finding permanent homes for youth in foster care. San Luis Obispo County has signed a Permanency for Youth agreement that states our commitment to ensuring that no youth leave our care without either an adoptive home, someone who is their legal guardian, or a trusted caring adult who has committed to stay connected to the youth.

The County has a contract with Transitions Mental Health to provide two full-time staff whose only duties are to identify connections for youth in care. They work with the youth to discover relatives or adults with whom the youth has a relationship.

San Luis Obispo is one of only twelve counties invested in the "New Ways to Work" initiative. This project provides Technical Assistance to coordinate employment services for children in care either through Probation or Child Welfare Services. We currently are involved in a major project--partially supported by the California Endowment, Cal Poly, Cuesta College, the Private Industry Council, Probation Department and the Department of Social Services--to map out all the available employment and supportive services for youth transitioning into adulthood. This New Ways to Work taskforce will use the maps to identify gaps in services and begin planning to fill in these gaps.

The Department of Social Services has a Youth in Transition Task Force; known as the "Permanency Committee," the Task Force is implementing procedures and policies to ensure that every child has an identified permanent home within 120 days of entering foster care. Federal and State regulations require not only that we pursue reunification but also that we consider the fact that the child may *not* be reunified. This is known as "concurrent planning." We have monthly "concurrent planning" meetings to identify youth who have entered care and to ensure that the home in which they currently are placed can be a permanent home, if reunification is not successful.

Our success in pursuing these initiatives is evaluated in part by the outcome measures by which the Federal and State Governments monitor our performance. One measurement is the length of time that children remain in foster care, and San Luis Obispo County has decreased that length of time by nearly 30% over the last three years.

The number of adolescents in care has decreased by nearly 50%. In the last quarter only seven youth emancipated from foster care without a permanent home and those youth had a connection with an adult who made a commitment to mentor them through their transitional years.

The Department is pleased to see that the Legislature and Governor are attentive to the challenges of improving Child Welfare Services and the foster care system. The recently approved budget

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includes significant new resources that will assist in reducing caseloads, increasing housing opportunities and expanding opportunities for children to remain with relatives.

**Recommendation 3: At least six months prior to emancipation, a mandatory exit plan should be created for each youth to follow which identifies specific support people and local resources. Foster parents need both training and incentives to encourage them to participate in these exit plans.**

This recommendation already has been implemented.

The "Chaffee Act" created a Federal mandate that every child have a transitional plan starting at age 15 ½. These plans are called Transitional Living Plans and are a part of every child's case plan. San Luis Obispo County is 100% compliant with having a plan for every child.

State regulations require that the County ensure that all foster children, starting at age 14, identify someone in their lives who can be a trusted, caring adult as they transition to adulthood. These adults agree to provide support for the youth, even if the youth doesn't live with them. These adults may provide a place for the youth to spend holidays or to live when dorms shut down. Or they may simply be a person who listens and emotionally supports the youth.

## CONCLUSION

The Department of Social Services appreciates the intentions of the Grand Jury in identifying problems with Child Welfare and Foster Care at the national level. These problems have been well documented. It is important to note, though, that local agencies and individuals have taken action to address these concerns, and these actions are showing great promise.

It is ironic to note that the Grand Jury provided the Department with its report on May 31, 2006, the exact date of the Independent Living Program's Annual Banquet. Even as the Grand Jury was reporting that our community's children allegedly were living under bridges, dealing drugs and prostituting themselves for food, twenty-three youth were receiving educational scholarships at this annual award ceremony.

Hosted by Cuesta College, the event was well attended by youth, community partners, members of the County Board of Supervisors, and members of the Juvenile Court Stakeholders group, including Judge Teresa Estrada-Mullaney. Laptop computers were awarded to five youth, and many additional awards were presented to help youth with transportation, employment, and housing needs.

It is right and proper that the Grand Jury report on the flaws in local systems and initiatives, but it is equally important that the Grand Jury seek to identify promising practices and programs. Had they done so, they might have reported that San Luis Obispo County's Child Welfare Services system has been designated by the Children's Defense Fund as one of the top ten programs in the nation that is showing promise in interrupting the "Cradle to Prison Pipeline."

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13

We think that's worth noting.

B-5  
14

*Admin  
V. Morici*

**BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, July 18, 2006

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall, James R. Patterson, and Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

In the matter of Consent Agenda:

Consent Agenda Items B-38 and B-39 are added to the Consent Agenda.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and on the following roll call vote:

AYES: Supervisors Ovitt, Lenthall, Bianchi, Patterson, Chairperson Achadjian

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-39 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-39, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

File

7/18/2006 cmc

STATE OF CALIFORNIA )

) ss.

County of San Luis Obispo )

I, **JULIE L. RODEWALD**, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 18th day of July, 2006.

(SEAL)

**JULIE L. RODEWALD**

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: *Wandy Curren* Deputy Clerk

CONSENT AGENDA – REVIEW AND APPROVAL

The routine items listed on the consent portion of the agenda are scheduled for consideration as a group. Recommendations are shown for each item. Any Supervisor may request any item be withdrawn from the Consent Agenda to permit discussion or change the recommendation course of action.

**I. CONSENT AGENDA**

Unless an item is pulled for separate action by the Board, the following recommendations are approved without discussion.

Items set for bid opening and hearing:

- B-1 Submittal of a resolution of intention to vacate a portion of Vineyard Drive, County Road No. 5156 near the Town of Templeton; 1<sup>st</sup> District. (RECOMMEND APPROVAL AND INSTRUCT CLERK TO GIVE NOTICE OF HEARING DATE SET FOR AUGUST 15, 2006 AT 9:00 A.M.)
- B-2 Letter transmitting plans and specifications (Clerk's File) for the expansion of the Juvenile Services Center at the County Operational Center; 3rd District. (RECOMMEND APPROVAL AND INSTRUCT CLERK TO GIVE NOTICE OF BID OPENING SET FOR AUGUST 17, 2006 AT 3:00 P.M.)

Administrative Office Items:

- B-3 Request to approve an amended contract with Carl Warren & Co. (Clerk's File) extending the contract for liability program administration services. (RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.)
- B-4 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on the Area Advisory Council Resolution. (RECOMMEND APPROVAL.)
- B-5 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on the future of foster children. (RECOMMEND APPROVAL.)
- ✓ B-6 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on bicycle riding in the county. (RECOMMEND APPROVAL.)
- B-7 Request to approve recommended responses to finding and recommendations contained in the Grand Jury report on community schools. (RECOMMEND APPROVAL.)

Auditor-Controller Items:

- B-8 Submittal of an audit report on the District Attorney's Worker's Compensation Insurance Fraud Program Grant for the period July 1, 2004 through June 30, 2005. (RECOMMEND ITEM BE RECEIVED AND FILED.)
- B-9 Submittal of an audit report on the District Attorney's Worker's Spousal Abuser Prosecution Program Grant for the period July 1, 2004 through June 30, 2005. (RECOMMEND ITEM BE RECEIVED AND FILED.)



**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

<b>(1) DEPARTMENT</b> Administration		<b>(2) MEETING DATE</b> July 18, 2006		<b>(3) CONTACT/PHONE</b> Vincent Morici, Administrative Analyst (805) 781-5020	
<b>(4) SUBJECT</b> Request to approve recommended responses to findings and recommendations contained in the Grand Jury report on Bicycle Riding in San Luis Obispo County, and to forward the responses to the Presiding Judge of the Superior Court.					
<b>(5) SUMMARY OF REQUEST</b> The Grand Jury has prepared a report addressing several issues associated with bicycle riding in San Luis Obispo. The report directs that the Board of Supervisors respond to six of the seven findings and all four recommendations of the report. The Grand Jury also requires that the County Public Works Department and the Sheriff-Coroner to respond to specific findings and recommendations. This item includes the departmental responses that are recommended to be the responses from the Board of Supervisors to the findings and recommendations. Upon approval, the responses will be forwarded to the Presiding Judge.					
<b>(6) RECOMMENDED ACTION</b> It is recommended that your Board approve the attached responses and forward these responses to the Presiding Judge of the Superior Court.					
<b>(7) FUNDING SOURCE(S)</b> N/A		<b>(8) CURRENT YEAR COST</b> N/A		<b>(9) ANNUAL COST</b> N/A	
<b>(10) BUDGETED?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
<b>(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST):</b> The Public Works Department and Sheriff-Coroner were contacted as part of the evaluation of the response to this report. In addition, the San Luis Obispo Bicycle Advisory Committee provided input regarding their perspective on the Grand Jury's findings and recommendations.					
<b>(12) WILL REQUEST REQUIRE ADDITIONAL STAFF?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
<b>(13) SUPERVISOR DISTRICT(S)</b> <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			<b>(14) LOCATION MAP</b> <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		<b>(15) Maddy Act Appointments Signed-off by Clerk of the Board</b> <input checked="" type="checkbox"/> N/A
<b>(16) AGENDA PLACEMENT</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			<b>(17) EXECUTED DOCUMENTS</b> <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
<b>(18) NEED EXTRA EXECUTED COPIES?</b> <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			<b>(19) BUDGET ADJUSTMENT REQUIRED?</b> <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
<b>(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)</b> _____			<b>(21) W-9</b> <input type="checkbox"/> No <input type="checkbox"/> Yes		<b>(22) Agenda Item History</b> <input checked="" type="checkbox"/> N/A    Date _____
<b>(23) ADMINISTRATIVE OFFICE REVIEW</b> <div style="text-align: right; font-size: 2em; font-family: cursive; margin-top: 20px;"> 7-18-06 B-6 </div>					

# County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



**DAVID EDGE**  
COUNTY ADMINISTRATOR

**TO:** Board of Supervisors  
**FROM:** Vince Morici, Administrative Analyst  
**DATE:** July 18, 2006

**SUBJECT:** Response to the 2005-2006 Grand Jury Interim Report on Bicycle Riding in San Luis Obispo County

## **RECOMMENDATION**

Staff recommends that the Board of Supervisors adopt the attached responses from the Public Works Department and the Sheriff-Corner as the Board of Supervisors' response to the 2005-2006 Grand Jury report on Bicycle Riding in San Luis Obispo County

## **DISCUSSION**

The Grand Jury issued an interim report that addresses issues associated with bicycle riding in San Luis Obispo County. The Grand Jury has required that the Sheriff-Corner, Public Works Department and the Board of Supervisors respond to specific findings and recommendations contained in the report.

Staff has evaluated the Grand Jury report and the responses that prepared by the Sheriff-Coroner and Public Works Department. The responses by Public Works and the Sheriff-Coroner provide an adequate response to the Grand Jury. We recommend that your Board adopt the response from the Public Works Department as the Board of Supervisors response to the Grand Jury findings 4 and 7 and Grand Jury recommendations 1, 2 and 3. We further recommend that your Board adopt the Sheriff-Coroner's response as the Board of Supervisors response to Grand Jury findings 1,2, and 5 and Grand Jury recommendations 1 and 3.

The San Luis Obispo Bicycle Advisory Committee (SLOBAC) provided input in the form of a letter and supporting materials that were sent to the Chairman of the Board Supervisors. Staff does not recommend adopting SLOBAC's position as the formal Board response. SLOBAC has made several suggestions related to establishing law enforcement programs for cycling violations, signage, road maintenance, purchase of equipment and use of county staff for bicycle training and educational programs.

SLOBAC already has input to issues related to signage and road maintenance through Public Works participation with this committee. SLOBAC's input may form the basis for future discussions during the development of the county budget where these suggestions can be matched with the overall priorities of county road system

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improvements. The Bike Coalition has recently been awarded \$56,000 in Regional State Highway Account funding was obtained by the Bike Coalition. These funds will be available over the next couple of years and can be used to further "Bike-ed" type programs. The Sheriff notes that the primary responsibility for enforcement of vehicle code rests with the California Highway patrol and as such, it would not be appropriate for the Sheriff to implement targeted enforcement of cycling violations of the vehicle code. SLOBAC and others can approach the California Highway Patrol to determine whether there are sufficient resources to operate a targeted enforcement program for cycling vehicle code violations.

The Public Works response to the Grand Jury Report is shown as Attachment 1 and the Sheriff-Coroner response is shown as Attachment 2. It is recommended that these be adopted as the Board's response to the Grand Jury Report.

#### **OTHER AGENCY INVOLVEMENT**

The Public Works Department and Sheriff-Coroner were contacted as part of the evaluation of the response to this report. In addition, the San Luis Obispo Bicycle Advisory Committee provided input regarding their perspective on the Grand Jury's findings and recommendations.

#### **FINANCIAL CONSIDERATIONS**

No significant expenses are anticipated by adopting the responses by the Public Works Department and the Sheriff-Coroner.

#### **RESULTS**

Adoption of the findings and recommendations will fulfill the County's obligation to respond to Grand Jury reports as specified in Section 933 of the Penal Code

Attachment 1: Public Works Department response  
Attachment 2: Sheriff-Coroner response

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# SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

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County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

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Fax (805) 781-1229

email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

June 8, 2006

## MEMORANDUM

**TO:** The Honorable Rodger Piquet  
California Superior Court, San Luis Obispo County

**FROM:** Glen L. Priddy, Deputy Director of Public Works - Engineering Services *GP*

**VIA:** Noel King, Director of Public Works *NK*

**SUBJECT:** San Luis Obispo County Public Works Department - Response to Grand Jury Report on Bicycle Riding in San Luis Obispo County

The Grand Jury Report on Bicycle Riding in San Luis Obispo County requires response from the County Public Works Department on Findings 4 and 7 and Recommendations 1, 2 and 4.

### Finding 4:

Providing enough shoulder width for bike lanes on rural roads is not always possible. There is too little signage on roads without bikeways, warning both cyclists and motorists to use caution and share the road.

### Reply:

The Public Works Department is in partial agreement with this finding.

The Public Works Department installed "Share the Road" signage in the summer of 2000 at the request of the Bicycle Advisory Committee (BAC). The signs had been approved for use under federal signage guidelines in 1999. In 2000, the Department and the BAC established criteria for sign placement which were as follows:

- Roads with existing bike traffic
- Roads with speeds at or over 45 mph
- Roads with widths less than 32 feet
- Roads with average daily traffic over 1500 vehicles

ATTACHMENT 1

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Based on those criteria, over thirty signs were installed on the principal interregional routes on the County road network. Under the above criteria, using today's traffic volume, several additional signs may be warranted to cover the primary bike routes.

Low volume rural roads in outlying areas are more difficult to effectively sign. Some roads go for miles or have frequent curves in which motorists and cyclists need to travel the road with caution. Signs placed every few miles are quickly forgotten and cannot make up for erratic or unsafe operation on the roadway. A proliferation of signs results in their being regarded merely as road background and not the warning device which the sign is intended to be. Moreover, these signs become a target for graffiti and damage. The department does not agree with the placement of bicycle signs on low volume rural roads.

#### **Finding 7:**

There is an ongoing need for additional bikeways and maintenance of existing bikeways. Although there are a number of funding sources for bikeways and safe cycling and pedestrian friendly infrastructure is expensive. The competition for these funds is fierce.

#### **Reply:**

The Public Works Department is in agreement with this finding.

The Public Works Department was rather successful in the 1990's in receiving Bike Transportation Grants for installing Class II bike lanes. In the past five years, the department has received a number of pedestrian safety grants to construct these types of improvements. However, as noted, there has been increased competition for these funds and the County cannot plan to be as successful in the future. To advance bike and pedestrian facilities, the Department has worked with the various advisory councils on utilizing Urban State Highway Account (USHA) funds, distributed through San Luis Obispo Council of Governments to the various communities. This source will likely also be reduced in the future as the maintenance needs for the road system, including sweeping and maintenance of bike lanes, will increase and require these funds to be directed towards maintenance of existing facilities.

The department has established priorities, through the Board of Supervisors, that funding be directed first to maintenance, second to safety improvements, and finally to betterments which includes addition of bike lanes, pedestrian facilities, and road capacity improvements. The department has recently completed an update to our pavement management plan which calls for \$5.5 million dollars per year for road preventative maintenance. This work is needed to assure proper surface conditions of the roadway for all its users, including bicyclist. With the need for preventative maintenance, as well as routine maintenance work such as bike lane sweeping, department revenue, such as USHA funds, will need to be focused toward these efforts and betterment projects will likely diminish.

## **RECOMMENDATIONS**

### **Recommendation 1:**

Working with local cycling groups and the Bicycle Advisory Committee, local law enforcement agencies, and San Luis Obispo County should generously support the county-wide implementation of the "BikeEd" program or similar training program. Support may be monetary, venue provision, advertising, staff assistance, etc. or other in-kind services.

### **Reply:**

The Public Works Department has implemented this recommendation through providing staff support for the Bicycle Advisory Committee, through the department's submittal of applications to the State Office of Traffic Safety for funds to support the "BikeEd" program, and through supporting of the use of Regional State Highway Account funding to implement the "BikeEd" program.

The Public Works Department provides staff assistance by serving as secretary to the Bicycle Advisory Committee (BAC) which seeks to implement bike safety under the three E's of Enforcement, Education, and Engineering. For the past three years, the Department has submitted applications to the State Office of Traffic Safety (OTS) to provide approximately \$60,000 to fund bike rodeos, helmet give-away and driver feedback signs to monitor driver speeds. Each time these have been turned down. OTS is currently funding actions towards reduction in drunk driving.

The Bike Coalition was successful in having SLOCOG provide \$56,000 in Regional State Highway Account (RSHA) funds programmed at the beginning of 2006. These funds should be available for use, by the Regional Rideshare office, over the next couple years and should achieve the "BikeEd" program envisioned. These RSHA funds can also be a future funding source into the future and would promote "BikeEd" across the various jurisdiction responsible for bike facilities or enforcement.

### **Recommendation 2:**

The County should continue to actively seek funding for bikeways and bike and safety pedestrian safety construction projects and programs, such as the "Safe Routes to Schools" program.

### **Reply:**

The Public Works Department has implemented and will continue to implement this recommendation.

The department will continue to develop a priority list for funding, seeking concurrence with the BAC, and submitting project applications for these projects as the programs

permit. As noted, competition is stiff and funding will most likely require resubmitting project application a number of times.

**Recommendation 4:**

Motorists and cyclists alike would travel safer if narrow, rural roads were marked with permanent signage warning both cyclists and motorists to use caution and share the road.

**Reply:**

The Public Works Department will implement this recommendation within the context of working with the Bicycle Advisory Committee as discussed in the response to Finding 4. We note that not all rural roads will be marked with permanent signage for the reasons also included in the response to Finding 4.

The Public Works Department will continue to work to install additional signs on established bike routes using the criteria established by the Bicycle Advisory Committee.

File: CF 270.190.01 Grand Jury  
CF 800.10.01 Bikeways - General

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**Patrick Hedges**

**Sheriff-Coroner**

P.O. Box 32

San Luis Obispo, CA 93406

**San Luis Obispo County Sheriff's Department**

June 19, 2006

The Honorable Roger Picquet  
Presiding Judge of the Superior Court  
County Government Center  
San Luis Obispo, CA 93408

**RE: 2005-2006 Grand Jury Interim Report - Bicycles**

Dear Judge Picquet:

I have reviewed the 2005-2006 San Luis Obispo County Grand Jury Interim Report regarding bicycle riding in San Luis Obispo County. My response to their Findings and Recommendations is as follows:

**Finding:**

1. *"Bicyclists are required to obey all traffic laws. Every person riding a bike on a street or highway has all the rights and is subject to all the rules applicable to the driver of a motor vehicle (Vehicle Code 21200)."*

The respondent agrees with this finding.

2. *"Law enforcement agencies set higher priority on enforcement of motorized traffic. There are so many more cars than bicycles, and the consequences of a traffic accident while driving a car are likely to be significantly more serious than those involving a bicycle."*

The respondent agrees with this finding.

5. *"There was unanimous agreement among local cycling club members and cyclists interviewed that too many cyclists fail to follow basic Vehicle Code regulations. Cycling groups from the League of American Bicyclists to SLO Bike Club encourage tough enforcement of traffic laws for cycling violations."*

The respondent can neither agree nor disagree with this finding. I have no independent information as to what the cyclists may have discussed with the Grand Jury.

**ATTACHMENT 2**

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Area Code:  
(805)  
Administration  
781-4540  
Animal Services  
781-4400  
Civil  
Enforcement  
781-5484  
Crime  
Prevention  
781-4547  
Custody  
781-4600  
Detectives  
781-4500  
Patrol  
781-4550  
Coast Station  
528-6083  
Dispatch  
781-4550  
North Station  
237-3000  
South Station  
473-7100  
Watch  
Commander  
781-4553  
Permits  
781-4575  
Property  
781-4533  
Records  
781-4140  
Warrants  
781-4588



Recommendation:

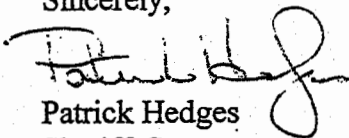
1. *"Working with local cycling groups and the Bicycle Advisory Committee, local law enforcement agencies and San Luis Obispo County should generously support the county-wide implementation of the "BikEd" program or similar bicycle safety training program. Support may be monetary, venue provision, advertising, staff assistance, etc. or other in-kind services. (Findings 1, 5 & 6)"*

The recommendation has been implemented. The Sheriff's Department has presented bike educational programs in local schools for some time. Members of the department's bicycle patrol unit, in conjunction with school resource deputies, train school children in bicycle safety and rules of the road.

3. *"Law enforcement agencies should implement target enforcement programs aimed at improving cyclist compliance with traffic regulations to insure public safety. (Findings 1, 2, 3 & 5)"*

This recommendation will not be implemented. Inasmuch as the primary responsibility for enforcement of the Vehicle Code in the unincorporated areas of the county rests with the California Highway Patrol (CHP), it would be inappropriate for the Sheriff's Department to institute a target enforcement program that is within the CHP scope of responsibility. That said, the Sheriff's Department will work in cooperation with the CHP in promoting traffic safety to the extent that staffing permits and will continue to take appropriate action when violations of the Vehicle Code are observed.

Sincerely,

  
Patrick Hedges  
Sheriff-Coroner

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D-2 This is the time set for discussion of a report and recommendations from the Oak Resources Committee. (4:24 PM)

### Staff Report

**Supervisor Patterson:** presents the staff report with the assistance of Mr. John McKenzie, Environmental Division of Planning; discusses the Boards' response to Grand Jury report in July 2006 and outlines the Findings from that Report and the recommendations that were approved by the Board; highlights the committee that was put together with "stakeholders" and who those members were; outlines the Committee's Purpose; they met eight times between the end of August and beginning of December; outlines the conclusions by the Committee from those meetings; addresses the recommendations from the Committee; speaks to the "Minority Report" recommendations which are from some of the Committee members (addresses comments by Mr. Hawley) but is not being recommended by the Committee as a whole.

**Mr. Jerry Bunin:** Home Builders Association, urges support of the Committee recommendations; is a strong believer in voluntary over mandatory programs and explains.

**Ms. Trudy Jarrett:** President League of Women Voters for San Luis Obispo County, states they attended the committee meetings and support both the recommendations of the committee and minority report.

**Mr. Chuck Pritchard:** speaks to the various committees/groups he is involved with and how that has allowed him to see issues related to this idea; feels this is a "site specific" issue and should be addressed that way.

**Ms. Kathy Barnett:** speaks in support of Recommendations 1 and 3; supports the preservation of Oak trees.

**Ms. Lynn Harkins:** speaks in support of the minority report but indicates that she is not against the majority report; reads from a book on Oak trees; suggests that seedling reparation is "ludicrous."

**Mr. Andrew Christie:** Sierra Club Chapter Director, thanks the Committee for their hard work and feels these are good first steps; supports an ordinance for Oak tree protection.

**Mr. Mike Bonneheim:** states he was a Committee member; indicates with all the meetings that were held he heard nothing that substantiated there was an Oak tree crisis in the

County; wants to see the current voluntary program to remain voluntary; urges support for the ranching community and voting to maintain the current voluntary program.

**Mr. David Buck-Moyer:** questions whether there is need to do a study to show that the Oak trees are disappearing and explains.

**Mr. Dennis Palm:** states he attended most of the meetings and thanks the Committee for their work; supports their recommendations as a first step and also supports recommendations in the Minority Report.

**Mr. Eric Greening:** speaks in support of Recommendations 1 and 3; concerns that can't do Recommendation 2 before the results of 1 and 3 are known; suggests watching the City of Atascadero for their inventory report they have done on oak trees.

**Supervisor Patterson:** addresses the issue of the Oak tree inventory in Atascadero and what will be occurring on January 16th.

**Mr. Richard Hawley:** Committee member, addresses the meetings that were held; comments on the Minority Report, on page 16 of the staff report; addresses the need for more specifics and explains; urges consideration of the recommendations in the Minority Report.

**Mr. Bill Tije:** Cooperative Extension and member of the Committee, reads a letter from Steve Sinton that was faxed to Supervisor Patterson, that addresses his involvement in propagating Oak trees and supports the recommendations of the Committee; speaking for himself, states he supports the recommendations as he believes they represent an excellent compromise.

**Ms. Tina Salter:** Committee member, gives her views of the meetings and hopes the Board supports their recommendations; suggests they should also consider the Minority Report.

**Ms. Sue Luft:** North County Watch, speaks in support of the recommendations of the Committee.

**Ms. Sheila Lyons:** speaks in support of the recommendations before the Board.

**Ms. Dorothy Jennings:** addresses Recommendation 3 regarding tracking all native tree removal and is supportive of this; supports Recommendation 1 and believes a scientific assessment is a good idea: hopes the Committee will not be

disbanded as she believes it would good for them to get together once in awhile to review these issues.

**Ms. Maria Lorca:** supports the recommendations of the Committee and thanks them for their work.

**Supervisor Bianchi:** addresses the issue; addresses other native trees in the County; feels it is more important to protect the habitat; suggests the possibility of working with the Resource Conservation Districts.

**Supervisor Patterson:** responds to public comment; thanks all those involved in the process both the members and the public; thanks Ellen Carroll and John McKenzie for all their work; comments on the recommendations and the need to support the second recommendation.

**A motion by Supervisor Patterson, seconded by Supervisor Bianchi to approve the five recommendations by the Committee is discussed.**

**Supervisor Lenthall:** addresses his concerns to approve the hiring of an employee up front and feel there is a need to assess this situation; states he supports 1, 3 and 5 of the recommendations.

**Chairperson Achadjian:** feels this issue will come back with an offer/recommendation on staffing and then the Board can decide whether or not to hire a new person.

**Supervisor Ovitt:** addresses his concerns to the language of the second recommendation and suggests amending the language to read "Have the Planning Department bring back a proposal on staffing to develop and . . . .", **with the motion maker and second agreeing to amend their motion to change the beginning of the second recommendation to this language.**

**Thereafter, on motion of Supervisor James R. Patterson, seconded by Supervisor Shirley Bianchi, and on the following roll call vote:**

**AYES:** Supervisors: James R. Patterson, Shirley Bianchi, Harry L. Ovitt, Jerry Lenthall, Chairperson K.H. 'Katcho' Achadjian

**NOES:** None

**ABSENT:** None

**the Board 1) directs the Planning Denartment to work**

**with qualified consultant(s) to conduct a scientific assessment of the County's Oak Woodlands, establishing baseline data and trends; this would be part of the voluntary program and could be funded partially with grant funding; 2) Have the Planning Department bring back a proposal on staffing to develop and implement a Voluntary Oak Woodlands Management Program; provide staff assistance to the Native Tree Committee; work in concert with the U.C. Cooperative Extension on Oak resource programs; write grant proposals, secure funding, and establish local programs to allow Oak mitigation funds to be used in San Luis Obispo County ( i.e. SB 1334, Kuehl Bill); and work with land owners, resource agencies, volunteer groups and others to promote voluntary management of Oak Woodland resources; the Committee recommends that the position be funded by the County General Fund and future grants; 3) direct the Planning Department to establish a mechanism for the Planning Department to track all native Oak tree removals and replacements related to permitted development and monitor long term; this would be part of establishing the baseline data and trends in Recommendation 1 above; 4) Direct the Planning Department to review and update, as necessary, the Oak Tree Replacement Program in conjunction with Recommendation 1 above; and, 5) Direct Planning staff to report back to the Board in six (6) months on the status of implementing the Committee's recommendations.**

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn to Monday, January 8, 2007 at 11:45 a.m. in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA for the swearing in ceremony.

**I, JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, December 19, 2006, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

Recorder **JULIE L. RODEWALD**, County Clerk-  
And Ex-Officio Clerk of the Board of  
Supervisors

By: /s/ Vicki M. Shelby,

Deputy Clerk-Recorder

DATED: January 5, 2007/vms